

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 67-13514
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Section 29 Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 20N, Range 1W, Section 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 20N, Range 1W, Section 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-10835
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 21N, Range 2W, Section 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 21N, Range 2W, Section 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-10871
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 20N, Range 4W, Section 35, SE¼ SE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 20N, Range 4W, Section 35, SE¼ SE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-10894
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Springs |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 20N, Range 3W, Section 19, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 20N, Range 3W, Section 19, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-10900
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Bear 3 Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 20N, Range 2W, Section 07, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 20N, Range 2W, Section 07, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-10908
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 20N, Range 3W, Section 08, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 20N, Range 3W, Section 08, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-10932
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 20N, Range 2W, Section 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 20N, Range 2W, Section 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-11470
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 19N, Range 3W, Section 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 19N, Range 3W, Section 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-11473
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 19N, Range 4W, Section 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 19N, Range 4W, Section 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 69-11477
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 21N, Range 2W, Section 33, NW ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 21N, Range 2W, Section 33, NW ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13314
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13315
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13316
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13317
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13318
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13319
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13320
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, SE¼ NE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, SE¼ NE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13321
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13322
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE¼ NW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE¼ NW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13323
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NW¼ NE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NW¼ NE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13324
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE¼ SW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE¼ SW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13325
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13326
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13327
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13328
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13329
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NW¼ SE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NW¼ SE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13331
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 32, NE¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 32, NE¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13332
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 32, SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 32, SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13335
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13338
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 31, NE¼ NE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 31, NE¼ NE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13340
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 30, SW ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 30, SW ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13341
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 30, NW¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 30, NW¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13342
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 30, SE¼ SW¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 30, SE¼ SW¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13343
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 30, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 30, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13344
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13345
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE¼ NE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE¼ NE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13346
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13347
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13348
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13349
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13350
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13351
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13352
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, NE¼ NW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, NE¼ NW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13353
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 27, NW¼ SE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 27, NW¼ SE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13354
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 27, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 27, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13355
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13357
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13359
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13365
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13366
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13367
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, NW¼ NE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, NW¼ NE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13368
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13369
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, NW¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, NW¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13370
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13372
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13373
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, NE¼ SW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, NE¼ SW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13376
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 18, NW¼ SE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 18, NW¼ SE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13377
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 18, NW¼ NE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 18, NW¼ NE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13378
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13379
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13382
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 09, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 09, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13383
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 09, NE¼ SW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 09, NE¼ SW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13384
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 09, NE¼ SW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 09, NE¼ SW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13385
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 09, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 09, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13386
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 09, NW¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 09, NW¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13388
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 08, SE¼ NW¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 08, SE¼ NW¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13390
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Rattlesnake Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 4E, Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 4E, Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13396
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 3E, Section 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 3E, Section 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13442
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Holly Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 22N, Range 4E, Section 01, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 22N, Range 4E, Section 01, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13484
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 26N, Range 5E, Section 18, SE¼ NE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 26N, Range 5E, Section 18, SE¼ NE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13944
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 34, SE¼ NW¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 34, SE¼ NW¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13945
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 26N, Range 4E, Section 13, NE¼ NW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 26N, Range 4E, Section 13, NE¼ NW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13946
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 23N, Range 5E, Section 23, NW¼ SE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 23N, Range 5E, Section 23, NW¼ SE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13947
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 23N, Range 5E, Section 23, NW¼ SE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 23N, Range 5E, Section 23, NW¼ SE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13948
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 23N, Range 5E, Section 23, NW¼ SE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 23N, Range 5E, Section 23, NW¼ SE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13951
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 07, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 07, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13952
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13953
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13954
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 17, NE¼ SE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 17, NE¼ SE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13955
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, NW¼ SE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, NW¼ SE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13957
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13958
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13961
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 20, SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 20, SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13962
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13963
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13964
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 21, SW ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 21, SW ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13965
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13966
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, NW¼ NW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, NW¼ NW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13967
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, NW ¹ / ₄ NW ¹ / ₄ NW ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, NW ¹ / ₄ NW ¹ / ₄ NW ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13968
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, NW¼ NW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, NW¼ NW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13969
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13970
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13971
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13972
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE¼ NW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE¼ NW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13973
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13974
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE¼ NW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE¼ NW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13975
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13976
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13977
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13978
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13979
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13980
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 28, SW ¹ / ₄ NW ¹ / ₄ NW ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 28, SW ¹ / ₄ NW ¹ / ₄ NW ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13981
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13982
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13983
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, NE¼ SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13984
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13986
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13987
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13988
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13989
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE¼ NE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE¼ NE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13990
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13991
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13992
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SW¼ NE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SW¼ NE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13993
(Spring or Fountain)

-
- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13994
(Spring or Fountain)

- | | |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13995
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13996
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13997
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13998
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE¼ SW¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE¼ SW¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-13999
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE¼ SW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE¼ SW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-14000
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE¼ SW¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE¼ SW¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-14002
(Spring or Fountain)

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Unnamed Spring
- 3. Quantity of right** Up to one-half of the natural flow
- 4. Priority date** Time immemorial
- 5. Point of diversion** Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
- 6. Purpose of use** Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.
- 7. Period of use** January 1 to December 31
- 8. Place of use** Township 24N, Range 5E, Section 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
- 9. Annual volume of consumptive use** Up to one-half of the natural flow.
- 10. Other provisions necessary for definition or administration of this water right**
 - a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.
 - b. This water right is a right of diversion only and does not include an instream flow right.
 - c. This water right does not include the right to divert water away from the immediate vicinity of the spring.

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-14003
(Spring or Fountain)

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|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NE¼ SW¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NE¼ SW¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-14004
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 77-14005
(Spring or Fountain)

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- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 5E, Section 33, NW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 5E, Section 33, NW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

d. The source spring for this water right is located on federal land. This water right shall not be used as the basis to preclude the federal land management agency from managing federal land in the vicinity of the spring or from permitting use of any water right that the land management agency may have for use of this source; provided that no such management or water use shall preclude or interfere with the Tribe's exercise of this water right.

e. This water right shall not be implied to prohibit the issuance or confirmation of state-based water rights from this same water source, provided that no such water right shall preclude or interfere with the exercise of this water right.

IT IS SO ORDERED.

DATED this ____ day of _____, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication