

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 82-12216  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Moores Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 5E, Section 18, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 5E, Section 18, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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.

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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 84-11299  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 35N, Range 3E, Section 26, NW¼ NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 35N, Range 3E, Section 26, NW¼ NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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.

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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 85-13516  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 33N, Range 4W, Section 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 33N, Range 4W, Section 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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.

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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 85-13737  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 32N, Range 4W, Section 19, SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 32N, Range 4W, Section 19, SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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.

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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 85-15284  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 33N, Range 4W, Section 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 33N, Range 4W, Section 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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.

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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 67-14523  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 2W, Section 12, NE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 2W, Section 12, NE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10821  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Step Ladder Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 3W, Section 35, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 3W, Section 35, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10832  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 2W, Section 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 2W, Section 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10865  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 2W, Section 21, SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 2W, Section 21, SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10892  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 3W, Section 20, SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 3W, Section 20, SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10893  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 3W, Section 20, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 3W, Section 20, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10898  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 3W, Section 13, NE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 3W, Section 13, NE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10899  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 3W, Section 13, NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 3W, Section 13, NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10901  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Bear Creek   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 3W, Section 12, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 3W, Section 12, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10911  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Fawn Creek Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 34, SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 34, SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10912  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 31, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 31, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10913  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Little Tamarack Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 31, SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 31, SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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 69-10914  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 30, SE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 30, SE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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 69-10915  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 30, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 30, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10917  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Smith Lick Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 29, SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 29, SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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 69-10929  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Slim Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10934  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Pauls Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 19, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 19, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10945  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 06, NE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 06, NE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10961  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Elk 1 Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 4W, Section 12, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 4W, Section 12, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10966  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 3W, Section 30, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 3W, Section 30, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10967  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Thorn Creek Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 3W, Section 24, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 3W, Section 24, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-10969  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 3W, Section 17, NE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 3W, Section 17, NE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-11466  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 2W, Section 06, NW¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 2W, Section 06, NW¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-11468  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 3W, Section 17, NW¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 3W, Section 17, NW¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-11469  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 3W, Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 3W, Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-11472  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Butte Creek Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 19N, Range 3W, Section 31, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 19N, Range 3W, Section 31, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-11475  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Butterfield 4 Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 2W, Section 34, SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 2W, Section 34, SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 69-11476  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Jessi Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 3W, Section 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 3W, Section 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13301  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 6E, Section 12, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 6E, Section 12, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13302  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 5E, Section 20, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 5E, Section 20, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13306  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Chair Point Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 2E, Section 28, NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 2E, Section 28, NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13422  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Rye Patch Pond   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 6E, Section 05, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 6E, Section 05, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13426  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Hershy Point Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 3E, Section 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 3E, Section 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13489  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 7E, Section 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 7E, Section 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13943  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 24N, Range 4E, Section 25, NE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 24N, Range 4E, Section 25, NE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13949  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Rye Patch Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 6E, Section 05, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 6E, Section 05, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 77-13950  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | South Rye Patch Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 6E, Section 07, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 6E, Section 07, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11253  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 24N, Range 1W, Section 13, SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 24N, Range 1W, Section 13, SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11273  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 24, SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 24, SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11278  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Cottonwood Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 21, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 21, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11286  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Blue Gulch Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 15, NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 15, NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11294  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 09, SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 09, SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11295  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 07, NW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 07, NW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11297  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 07, SE $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 07, SE $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11300  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 04, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 04, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11314  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Ranyhan Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1E, Section 30, SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1E, Section 30, SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11385  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Aaron Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 22N, Range 1W, Section 22, SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 22N, Range 1W, Section 22, SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11472  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Driveway Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 1W, Section 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 1W, Section 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11502  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Elk Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 1E, Section 19, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 1E, Section 19, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11503  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Bear Wallow Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 1E, Section 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 1E, Section 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11507  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 1E, Section 15, SW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 1E, Section 15, SW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-11540  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 20N, Range 1W, Section 06, NE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 20N, Range 1W, Section 06, NE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12045  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Brush Mountain Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 1W, Section 25, SE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 1W, Section 25, SE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12047  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Hank Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 22N, Range 1W, Section 15, SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 22N, Range 1W, Section 15, SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12054  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 01, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 01, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12055  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12057  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Whitebird Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 36, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 36, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12060  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 24N, Range 1W, Section 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 24N, Range 1W, Section 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12061  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 24N, Range 1W, Section 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 24N, Range 1W, Section 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 78-12067  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 21N, Range 2E, Section 31, SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 21N, Range 2E, Section 31, SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12561  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 2E, Section 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 2E, Section 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12606  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Willow Creek Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 3E, Section 28, NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 3E, Section 28, NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12608  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 3E, Section 22, SE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 3E, Section 22, SE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12609  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Dairy Mtn Lookout Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 3E, Section 17, SW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 3E, Section 17, SW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12610  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Skookumchuck Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 3E, Section 07, NE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 3E, Section 07, NE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12612  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Jewett Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 2E, Section 27, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 2E, Section 27, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12617  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Mckinzie Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 2E, Section 10, SW¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 2E, Section 10, SW¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12628  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 27, SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 27, SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12629  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 26, NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 26, NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12633  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 24, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 24, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12635  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 22, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 22, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12636  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 22, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 22, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12641  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 17, SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 17, SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12642  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12651  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Sunnyside Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 12, NE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 12, NE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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 79-12652  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 11, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 11, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12658  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Camp Howard 1 Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 02, NE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 02, NE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12671  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Grave Point Spring 2   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1E, Section 30, SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1E, Section 30, SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12696  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Bear Gulch Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 10, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 10, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12734  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12735  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12736  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12737  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12752  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Davis Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1E, Section 18, SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1E, Section 18, SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12753  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Lost Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1E, Section 17, NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1E, Section 17, NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12757  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1E, Section 06, SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1E, Section 06, SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12772  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Kessler Creek Spring 2   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 36, SE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 36, SE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12773  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Graves Point Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 36, SE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 36, SE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12787  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 02, NE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 02, NE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12793  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Sewell Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1E, Section 20, NE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1E, Section 20, NE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12812  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 24N, Range 2W, Section 23, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 24N, Range 2W, Section 23, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12872  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Horse Heaven Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 22N, Range 2W, Section 09, NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 22N, Range 2W, Section 09, NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12897  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 23N, Range 2W, Section 04, SW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 23N, Range 2W, Section 04, SW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-12899  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 2W, Section 09, SE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 2W, Section 09, SE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13708  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Telephone Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1E, Section 20, NE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1E, Section 20, NE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13710  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 21, SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 21, SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13711  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 22, SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 22, SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13712  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Remote Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 22, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 22, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13713  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 32, NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 32, NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13714  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13715  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 33, NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 33, NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13716  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Line Bluff Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13717  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 04, SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 04, SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13718  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | South Fork Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1E, Section 06, SW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1E, Section 06, SW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13719  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Center Ridge Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 1E, Section 09, SW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 1E, Section 09, SW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13720  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Tall Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 1E, Section 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 1E, Section 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13721  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Boise Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1E, Section 18, NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1E, Section 18, NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13722  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13723  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, SW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, SW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13724  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13725  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13726  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13727  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 11, NW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 11, NW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13728  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 12, SW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 12, SW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13729  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 12, NW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 12, NW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13730  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 12, SW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 12, SW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13732  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 26, SW¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 26, SW¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13733  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 26, SW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 26, SW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13734  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 01, NW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 01, NW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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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 79-13747  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Big Clear Cut Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1E, Section 32, NW¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1E, Section 32, NW¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <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. Quantification of this water right as up to one-half of natural flow quantifies the diversion amount only and does not imply a flow maintenance right.</p> <p>c. This water right does not include the right to divert</p> |

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.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication