

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 79-13748
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Rock Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1E, Section 32, SW ¹ / ₄ NW ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1E, Section 32, SW ¹ / ₄ NW ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13749
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13750
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Motthorn Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 13, SE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 13, SE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13751
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 14, SW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 14, SW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13752
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 14, NW¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 14, NW¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13753
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Red Rock Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13754
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 20, SW ¹ / ₄ NE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 20, SW ¹ / ₄ NE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13755
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 20, SE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 20, SE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13756
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 22, SE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 22, SE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13757
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 22, SE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 22, SE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13758
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 23, NE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 23, NE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13759
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 24, NE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 24, NE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13760
(Spring or Fountain)

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- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 25, SE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 25, SE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13761
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 25, NW¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 25, NW¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13762
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 26, NE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 26, NE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13763
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 33, SE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 33, SE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13764
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 34, NE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 34, NE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13765
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 1W, Section 34, SE¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 1W, Section 34, SE¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13766
(Spring or Fountain)

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|--|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Boufford Ridge Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 2E, Section 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 2E, Section 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13767
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Wild Horse Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 2E, Section 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 2E, Section 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13768
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Elk Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 2E, Section 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 2E, Section 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13769
(Spring or Fountain)

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- | | |
|--|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | P W Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 2E, Section 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 2E, Section 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13770
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Shells Lick Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 3E, Section 06, SW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 3E, Section 06, SW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13771
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Dairy Mountain Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 3E, Section 08, SE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 3E, Section 08, SE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13773
(Spring or Fountain)

- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Trough Creek Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 3E, Section 26, NE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 3E, Section 26, NE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13774
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Lee Creek Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 3E, Section 27, SW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 3E, Section 27, SW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13777
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Bentz Camp Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 27N, Range 4E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 27N, Range 4E, Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13784
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 28N, Range 2E, Section 03, SE¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 28N, Range 2E, Section 03, SE¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13785
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 28N, Range 2E, Section 09, NE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 28N, Range 2E, Section 09, NE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13786
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 28N, Range 2E, Section 11, NW ¹ / ₄ NW ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 28N, Range 2E, Section 11, NW ¹ / ₄ NW ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13787
(Spring or Fountain)

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- | | |
|--|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Free Use Road Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 28N, Range 2E, Section 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 28N, Range 2E, Section 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13788
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Free Use Road Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 28N, Range 2E, Section 24, NW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 28N, Range 2E, Section 24, NW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13789
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Mud Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 28N, Range 2E, Section 36, NE¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 28N, Range 2E, Section 36, NE¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13796
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 29N, Range 3E, Section 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 29N, Range 3E, Section 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-13822
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Grave Saddle Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 1W, Section 02, NW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 1W, Section 02, NW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 79-14113
(Spring or Fountain)

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- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Barton Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 24N, Range 1W, Section 32, NW¼ NW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 24N, Range 1W, Section 32, NW¼ NW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 81-11855
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 31N, Range 5E, Section 12, NW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 31N, Range 5E, Section 12, NW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 81-11861
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 32N, Range 6E, Section 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 32N, Range 6E, Section 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 81-11862
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 32N, Range 6E, Section 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 32N, Range 6E, Section 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 82-11336
(Spring or Fountain)

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|--|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Sams Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 30N, Range 4E, Section 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 30N, Range 4E, Section 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 82-12017
(Spring or Fountain)

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|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 29N, Range 4E, Section 16, NW¼ SW¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 29N, Range 4E, Section 16, NW¼ SW¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 82-12018
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 29N, Range 4E, Section 36, NW¼ SE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 29N, Range 4E, Section 36, NW¼ SE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 82-12019
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 29N, Range 5E, Section 21, SW ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 29N, Range 5E, Section 21, SW ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 82-12051
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 31N, Range 6E, Section 23, SE ¹ / ₄ SE ¹ / ₄ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 31N, Range 6E, Section 23, SE ¹ / ₄ SE ¹ / ₄ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 82-12052
(Spring or Fountain)

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|--|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 31N, Range 6E, Section 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 31N, Range 6E, Section 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 84-12077
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 35N, Range 6E, Section 26, NW¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 35N, Range 6E, Section 26, NW¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 86-11051
(Spring or Fountain)

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Hog Meadow Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 41N, Range 1W, Section 34, SE¼ NE¼ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 41N, Range 1W, Section 34, SE¼ NE¼ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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 86-11824
(Spring or Fountain)

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- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Unnamed Spring |
| 3. Quantity of right | Up to one-half of the natural flow |
| 4. Priority date | Time immemorial |
| 5. Point of diversion | Township 41N, Range 1W, Section 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6. Purpose of use | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes. |
| 7. Period of use | January 1 to December 31 |
| 8. Place of use | Township 41N, Range 1W, Section 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 9. Annual volume of consumptive use | Up to one-half of the natural flow. |
| 10. Other provisions necessary for definition or administration of this water right | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. 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