

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12640  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12644  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Huckleberry Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow.  |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 27N, Range 1W, Section 09, SW¼ SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 27N, Range 1W, Section 09, SW¼ SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12647  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12648  
(Spring or Fountain)

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

water away from the immediate vicinity of the spring.

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12649  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12650  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12657  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Camp Howard Spring 2   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 1W, Section 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 1W, Section 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12664  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12665  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12666  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12682  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12683  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12684  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 32, NE¼ SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 32, NE¼ SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12685  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12686  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 32, NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 32, NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12697  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 09, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 09, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12698  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 09, SE¼ NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 09, SE¼ NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12701  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 08, NW¼ NE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 08, NW¼ NE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12705  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 05, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 05, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12707  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 04, NW¼ SW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 04, NW¼ SW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12708  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 03, NW¼ NE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 03, NW¼ NE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12722  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12733  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Jake Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12739  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Pittsburg 18 Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 09, SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 09, SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12740  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12774  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 34, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 34, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12776  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Clarks Hole Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 32, NE¼ NW¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 32, NE¼ NW¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12791  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-12865  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 22N, Range 2W, Section 29, NE¼ SE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 22N, Range 2W, Section 29, NE¼ SE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13709  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 25N, Range 1W, Section 15, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 25N, Range 1W, Section 15, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13731  
(Spring or Fountain)

- |  |  |
|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 1W, Section 13, NW¼ SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 1W, Section 13, NW¼ SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13736  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 08, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 08, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13737  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 08, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 08, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13738  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 08, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 08, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13741  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13742  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 32, NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 32, NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13743  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 2E, Section 32, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 2E, Section 32, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13745  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 27N, Range 1E, Section 09, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 27N, Range 1E, Section 09, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13746  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13772  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 27N, Range 3E, Section 21, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 27N, Range 3E, Section 21, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13775  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13776  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13778  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 28N, Range 1W, Section 21, SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 28N, Range 1W, Section 21, SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13779  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13781  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 1W, Section 23, SE¼ SE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 1W, Section 23, SE¼ SE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13783  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 28N, Range 1W, Section 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 28N, Range 1W, Section 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13790  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 28N, Range 3E, Section 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 28N, Range 3E, Section 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13791  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13792  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 3E, Section 29, SE¼ SW¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 3E, Section 29, SE¼ SW¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13793  
(Spring or Fountain)

- |  |  |
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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 3E, Section 29, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 3E, Section 29, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13794  
(Spring or Fountain)

- |  |  |
|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 4E, Section 07, NW¼ SW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 4E, Section 07, NW¼ SW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13795  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13797  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 3W, Section 09, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 3W, Section 09, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13806  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 2W, Section 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 2W, Section 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13807  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 30N, Range 2W, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 30N, Range 2W, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13810  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 2W, Section 29, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 2W, Section 29, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13813  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 2W, Section 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 2W, Section 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13815  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 30N, Range 3W, Section 03, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 30N, Range 3W, Section 03, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert</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 79-13816  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 3W, Section 03, SE¼ SE¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 3W, Section 03, SE¼ SE¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13817  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 30N, Range 3W, Section 09, SE¼ NW¼ NE¼   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 30N, Range 3W, Section 09, SE¼ NW¼ NE¼   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13820  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 31N, Range 4W, Section 02, NW¼ NE¼ SE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 31N, Range 4W, Section 02, NW¼ NE¼ SE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13821  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 23N, Range 1W, Section 07, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 23N, Range 1W, Section 07, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13823  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-13828  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 79-14114  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 81-11411  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 81-11464  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 81-11863  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 32N, Range 7E, Section 19, NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 32N, Range 7E, Section 19, NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 81-11864  
(Spring or Fountain)

- |  |  |
|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 32N, Range 7E, Section 19, NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 32N, Range 7E, Section 19, NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 81-11865  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 32N, Range 7E, Section 19, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 32N, Range 7E, Section 19, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 81-11928  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 30N, Range 7E, Section 02, NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 30N, Range 7E, Section 02, NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11328  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 34, NE¼ NW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 34, NE¼ NW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11331  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Mud Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 30N, Range 4E, Section 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 30N, Range 4E, Section 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11382  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 29N, Range 7E, Section 01, NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 29N, Range 7E, Section 01, NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11384  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Silver Ridge Spring 2   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 29N, Range 6E, Section 06, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 29N, Range 6E, Section 06, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11385  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 6E, Section 06, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 6E, Section 06, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11388  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Granite Creek Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 5E, Section 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 5E, Section 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11389  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11399  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Up Browns Creek Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 29N, Range 4E, Section 14, NE¼ SW¼ NW¼   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 29N, Range 4E, Section 14, NE¼ SW¼ NW¼   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11400  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 4E, Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 4E, Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11414  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11415  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11418  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Bear Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 5E, Section 05, NW¼ SW¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 5E, Section 05, NW¼ SW¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11419  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Springs  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 28N, Range 4E, Section 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 28N, Range 4E, Section 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11429  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11435  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11437  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11450  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 28N, Range 5E, Section 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 28N, Range 5E, Section 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11451  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 27N, Range 7E, Section 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 27N, Range 7E, Section 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11452  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11453  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11455  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-11456  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12011  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 4E, Section 02, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 4E, Section 02, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12012  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 4E, Section 02, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 4E, Section 02, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12013  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 4E, Section 02, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 4E, Section 02, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12014  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 26N, Range 4E, Section 03, NE¼ NW¼ SE¼   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 26N, Range 4E, Section 03, NE¼ NW¼ SE¼   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12015  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12016  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 28N, Range 4E, Section 02, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 28N, Range 4E, Section 02, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12020  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12021  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 29N, Range 6E, Section 32, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 29N, Range 6E, Section 32, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12022  
(Spring or Fountain)

- |  |   |
|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 29N, Range 7E, Section 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 29N, Range 7E, Section 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12023  
(Spring or Fountain)

- |  |  |
|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 8E, Section 18, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 8E, Section 18, SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12024  
(Spring or Fountain)

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|--|---|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232   |
| <b>2. Source of water</b>  | Unnamed Spring  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow  |
| <b>4. Priority date</b>  | Time immemorial   |
| <b>5. Point of diversion</b>   | Township 29N, Range 8E, Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.  |
| <b>7. Period of use</b>  | January 1 to December 31  |
| <b>8. Place of use</b>   | Township 29N, Range 8E, Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.   |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[]" for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12025  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 8E, Section 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 8E, Section 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12026  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Springs  |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 8E, Section 19, NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 8E, Section 19, NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12027  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 8E, Section 19, NW¼ SW¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 8E, Section 19, NW¼ SW¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12028  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12029  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12030  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12031  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12032  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12033  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12034  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12035  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12036  
(Spring or Fountain)

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

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12038  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 29N, Range 8E, Section 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 29N, Range 8E, Section 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12039  
(Spring or Fountain)

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|--|--|
| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 4E, Section 25, NW¼ SE¼ NE¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 4E, Section 25, NW¼ SE¼ NE¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12040  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 13, SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 13, SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12041  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12042  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 24, NE¼ SW¼ NW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 24, NE¼ SW¼ NW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12043  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12044  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a "watering place[] for the use in common of both whites and Indians." This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12045  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 27, SE¼ SE¼ SW¼  |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 27, SE¼ SE¼ SW¼  |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



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

In re SRBA  
Case No. 39576

PARTIAL FINAL DECREE FOR  
Federal Reserved Water Right 82-12046  
(Spring or Fountain)

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>  | Unnamed Spring   |
| <b>3. Quantity of right</b>  | Up to one-half of the natural flow   |
| <b>4. Priority date</b>  | Time immemorial  |
| <b>5. Point of diversion</b>   | Township 30N, Range 5E, Section 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$   |
| <b>6. Purpose of use</b>   | Human consumption, livestock watering, wildlife watering, cultural, and ceremonial purposes.   |
| <b>7. Period of use</b>  | January 1 to December 31   |
| <b>8. Place of use</b>   | Township 30N, Range 5E, Section 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$   |
| <b>9. Annual volume of consumptive use</b>   | Up to one-half of the natural flow.  |
| <b>10. Other provisions necessary for definition or administration of this water right</b> | <p>a. This water right is held by the United States as trustee for the benefit of the Nez Perce Tribe pursuant to the terms of Article 8 of the Nez Perce Treaty of June 9, 1863, 14 Stat. 647, which provides that the subject spring is held by the United States as a “watering place[] for the use in common of both whites and Indians.” This water right is a reserved right under federal law and is not subject to loss for nonuse.</p> <p>b. This water right is a right of diversion only and does not include an instream flow right.</p> <p>c. This water right does not include the right to divert water away from the immediate vicinity of the spring.</p> |

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

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

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication