

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 81-11930

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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>  | Ground water sources within the Clear Creek subbasin of Basin 81  |
| <b>3. Annual diversion volume</b>  | 2 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>  | June 11, 1855   |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Clear Creek Subbasin of Basin 81.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Clear Creek Subbasin of Basin 81.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Clear Creek Subbasin of Basin 81 includes all lands draining into Clear Creek, which is a tributary to the Clearwater River. The area included within the Clear Creek subbasin is depicted on a map entitled "Clear Creek subbasin within IDWR Basin 81," on file with the Director of the Idaho Department of Water Resources.<br>b. Notwithstanding the Priority Date of this water right, the Tribe |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 81-11931

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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>  | Ground water sources within the Maggie Creek subbasin of Basin 81  |
| <b>3. Annual diversion volume</b>  | 16 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Maggie Creek Subbasin of Basin 81.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Maggie Creek Subbasin of Basin 81.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Maggie Creek Subbasin of Basin 81 includes all lands draining into Maggie Creek, which is a tributary to the Clearwater River. The area included within the Maggie Creek subbasin is depicted on a map entitled "Maggie Creek subbasin within IDWR Basin 81," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 82-12217

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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>  | Ground water sources within the Rabbit Creek subbasin of Basin 82   |
| <b>3. Annual diversion volume</b>  | 5 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>  | June 11, 1855   |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Rabbit Creek Subbasin of Basin 82.  |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Rabbit Creek Subbasin of Basin 82.   |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Rabbit Creek Subbasin of Basin 82 includes all lands draining into Rabbit Creek, which is a tributary to the South Fork Clearwater River. The area included within the Rabbit Creek subbasin is depicted on a map entitled "Rabbit Creek subbasin within IDWR Basin 82," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 84-12209

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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>  | Ground water sources within the Jim Ford Creek subbasin of Basin 84  |
| <b>3. Annual diversion volume</b>  | 66 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Jim Ford Creek Subbasin of Basin 84.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Jim Ford Creek Subbasin of Basin 84.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Jim Ford Creek Subbasin of Basin 84 includes all lands draining into Jim Ford Creek, which is a tributary to the Clearwater River. The area included within the Jim Ford Creek subbasin is depicted on a map entitled "Jim Ford Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 84-12210

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Orofino Creek subbasin of Basin 84
- 3. Annual diversion volume** 20 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Orofino Creek Subbasin of Basin 84.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Orofino Creek Subbasin of Basin 84.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
  - a. The Orofino Creek Subbasin of Basin 84 includes all lands draining into Orofino Creek, which is a tributary to the Clearwater River. The area included within the Orofino Creek subbasin is depicted on a map entitled "Orofino Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 84-12211

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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>   | Ground water sources within the Tom Taha Creek subbasin of Basin 84   |
| <b>3. Annual diversion volume</b>   | 17 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Tom Taha Creek Subbasin of Basin 84.  |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Tom Taha Creek Subbasin of Basin 84.   |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Tom Taha Creek Subbasin of Basin 84 includes all lands draining into Tom Taha Creek, which is a tributary to the Clearwater River. The area included within the Tom Taha Creek subbasin is depicted on a map entitled "Tom Taha Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water |

**this water right**

Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 84-12212

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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>   | Ground water sources within the Unnamed Creek subbasin of Basin 84  |
| <b>3. Annual diversion volume</b>   | 20 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Unnamed Creek Subbasin of Basin 84.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek Subbasin of Basin 84.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Unnamed Creek Subbasin of Basin 84 includes all lands draining into Unnamed Creek, which is a tributary to the Clearwater River. The area included within the Unnamed Creek subbasin is depicted on a map entitled "Unnamed Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water |

**this water right**

Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15566

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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>   | Ground water sources within the Big Canyon Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>   | 367 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Big Canyon Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Big Canyon Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Big Canyon Creek Subbasin of Basin 85 includes all lands draining into Big Canyon Creek, which is a tributary to the Clearwater River. The area included within the Big Canyon Creek subbasin is depicted on a map entitled "Big Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho |

**this water right**

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15567

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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>   | Ground water sources within the Cottonwood Creek (Clearwater) subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 197 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Cottonwood Creek (Clearwater) Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Cottonwood Creek (Clearwater) Subbasin of Basin 85.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Cottonwood Creek (Clearwater) Subbasin of Basin 85 includes all lands draining into Cottonwood Creek (Clearwater), which is a tributary to the Clearwater River. The area included within the Cottonwood Creek (Clearwater) subbasin is depicted on a map entitled "Cottonwood Creek (Clearwater) subbasin within IDWR |

**this water right**

Basin 85,” on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person’s water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board’s authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15568

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Cottonwood Creek (S.Fork Clearwater) subbasin of Basin 85
- 3. Annual diversion volume** 89 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Cottonwood Creek (S.Fork Clearwater) Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Cottonwood Creek (S.Fork Clearwater) Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or**
  - a. The Cottonwood Creek (S.Fork Clearwater) Subbasin of Basin 85 includes all lands draining into Cottonwood Creek (S.Fork Clearwater), which is a tributary to the South Fork Clearwater River. The area included within the Cottonwood Creek (S.Fork Clearwater)

**administration of  
this water right**

subbasin is depicted on a map entitled “Cottonwood Creek (S.Fork Clearwater) subbasin within IDWR Basin 85,” on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person’s water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board’s authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15569

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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>  | Ground water sources within the Effie Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>  | 30 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Effie Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Effie Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | <ul style="list-style-type: none"><li>a. The Effie Creek Subbasin of Basin 85 includes all lands draining into Effie Creek, which is a tributary to the Clearwater River. The area included within the Effie Creek subbasin is depicted on a map entitled "Effie Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</li><li>b. Notwithstanding the Priority Date of this water right, the Tribe</li></ul> |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15570

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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>  | Ground water sources within the Fivemile Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 44 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Fivemile Creek Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Fivemile Creek Subbasin of Basin 85.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Fivemile Creek Subbasin of Basin 85 includes all lands draining into Fivemile Creek, which is a tributary to the Clearwater River. The area included within the Fivemile Creek subbasin is depicted on a map entitled "Fivemile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15571

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Holes Creek subbasin of Basin 85
- 3. Annual diversion volume** 48 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Holes Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Holes Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
- a. The Holes Creek Subbasin of Basin 85 includes all lands draining into Holes Creek, which is a tributary to Little Canyon Creek. The area included within the Holes Creek subbasin is depicted on a map entitled "Holes Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.
  - b. Notwithstanding the Priority Date of this water right, the Tribe

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15572

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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>  | Ground water sources within the Jacks Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>  | 7 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Jacks Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Jacks Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | <ol style="list-style-type: none"><li>a. The Jacks Creek Subbasin of Basin 85 includes all lands draining into Jacks Creek, which is a tributary to the Clearwater River. The area included within the Jacks Creek subbasin is depicted on a map entitled "Jacks Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</li><li>b. Notwithstanding the Priority Date of this water right, the Tribe</li></ol> |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15573

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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>  | Ground water sources within the Lapwai Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 457 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Lapwai Creek Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Lapwai Creek Subbasin of Basin 85.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Lapwai Creek Subbasin of Basin 85 includes all lands draining into Lapwai Creek, which is a tributary to the Clearwater River. The area included within the Lapwai Creek subbasin is depicted on a map entitled "Lapwai Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15574

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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>  | Ground water sources within the Lawyer Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 285 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Lawyer Creek Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Lawyer Creek Subbasin of Basin 85.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Lawyer Creek Subbasin of Basin 85 includes all lands draining into Lawyer Creek, which is a tributary to the Clearwater River. The area included within the Lawyer Creek subbasin is depicted on a map entitled "Lawyer Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15575

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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>   | Ground water sources within the Little Canyon Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 5 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Little Canyon Creek Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Little Canyon Creek Subbasin of Basin 85.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Little Canyon Creek Subbasin of Basin 85 includes all lands draining into Little Canyon Creek, which is a tributary to the Clearwater River. The area included within the Little Canyon Creek subbasin is depicted on a map entitled "Little Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho |

**this water right**

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15576

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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>   | Ground water sources within the Long Hollow Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>   | 18 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>   | June 11, 1855  |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Long Hollow Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Long Hollow Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Long Hollow Creek Subbasin of Basin 85 includes all lands draining into Long Hollow Creek, which is a tributary to Little Canyon Creek. The area included within the Long Hollow Creek subbasin is depicted on a map entitled "Long Hollow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho |

**this water right**

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15577

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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>  | Ground water sources within the Meadow Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>  | 56 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>  | June 11, 1855   |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Meadow Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Meadow Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Meadow Creek Subbasin of Basin 85 includes all lands draining into Meadow Creek, which is a tributary to Lawyer Creek. The area included within the Meadow Creek subbasin is depicted on a map entitled "Meadow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.<br>b. Notwithstanding the Priority Date of this water right, the Tribe |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15578

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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>  | Ground water sources within the Mission Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 138 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>  | June 11, 1855   |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Mission Creek Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Mission Creek Subbasin of Basin 85.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Mission Creek Subbasin of Basin 85 includes all lands draining into Mission Creek, which is a tributary to Lapwai Creek. The area included within the Mission Creek subbasin is depicted on a map entitled "Mission Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.<br>b. Notwithstanding the Priority Date of this water right, the Tribe |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15579

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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>   | Ground water sources within the Posthole Canyon Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 72 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Posthole Canyon Creek Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Posthole Canyon Creek Subbasin of Basin 85.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Posthole Canyon Creek Subbasin of Basin 85 includes all lands draining into Posthole Canyon Creek, which is a tributary to Big Canyon Creek. The area included within the Posthole Canyon Creek subbasin is depicted on a map entitled "Posthole Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the |

**this water right**

Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15580

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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>   | Ground water sources within the Red Rock Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>   | 59 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Red Rock Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Red Rock Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Red Rock Creek Subbasin of Basin 85 includes all lands draining into Red Rock Creek, which is a tributary to Cottonwood Creek. The area included within the Red Rock Creek subbasin is depicted on a map entitled "Red Rock Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water |

**this water right**

Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15581

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Rock Creek subbasin of Basin 85
- 3. Annual diversion volume** 29 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Rock Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Rock Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
- a. The Rock Creek Subbasin of Basin 85 includes all lands draining into Rock Creek, which is a tributary to Lapwai Creek. The area included within the Rock Creek subbasin is depicted on a map entitled "Rock Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.
  - b. Notwithstanding the Priority Date of this water right, the Tribe

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15582

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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>   | Ground water sources within the Sevenmile Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 79 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Sevenmile Creek Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sevenmile Creek Subbasin of Basin 85.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Sevenmile Creek Subbasin of Basin 85 includes all lands draining into Sevenmile Creek, which is a tributary to Lawyer Creek. The area included within the Sevenmile Creek subbasin is depicted on a map entitled "Sevenmile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water |

**this water right**

Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15583

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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>  | Ground water sources within the Sixmile Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>  | 88 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Sixmile Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sixmile Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Sixmile Creek Subbasin of Basin 85 includes all lands draining into Sixmile Creek, which is a tributary to the Clearwater River. The area included within the Sixmile Creek subbasin is depicted on a map entitled "Sixmile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15584

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Sweetwater Creek subbasin of Basin 85
- 3. Annual diversion volume** 98 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Sweetwater Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
  - a. The Sweetwater Creek Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, which is a tributary to Lapwai Creek. The area included within the Sweetwater Creek subbasin is depicted on a map entitled "Sweetwater Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water

**this water right**

Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15585

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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>   | Ground water sources within the Sweetwater Creek, East Fork subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 89 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Sweetwater Creek, East Fork Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek, East Fork Subbasin of Basin 85.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Sweetwater Creek, East Fork Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, East Fork, which is a tributary to Sweetwater Creek. The area included within the Sweetwater Creek, East Fork subbasin is depicted on a map entitled "Sweetwater Creek, East Fork subbasin within IDWR Basin 85," on |

**this water right**

file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15586

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Sweetwater Creek, West Fork subbasin of Basin 85
- 3. Annual diversion volume** 35 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Sweetwater Creek, West Fork Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek, West Fork Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
  - a. The Sweetwater Creek, West Fork Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, West Fork, which is a tributary to Sweetwater Creek. The area included within the Sweetwater Creek, West Fork subbasin is depicted on a map entitled "Sweetwater Creek, West Fork subbasin within IDWR Basin 85," on

**this water right**

file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15587

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Threemile Creek subbasin of Basin 85
- 3. Annual diversion volume** 8 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Threemile Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Threemile Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
  - a. The Threemile Creek Subbasin of Basin 85 includes all lands draining into Threemile Creek, which is a tributary to the South Fork Clearwater River. The area included within the Threemile Creek subbasin is depicted on a map entitled "Threemile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho

**this water right**

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15588

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Tom Beall Creek subbasin of Basin 85
- 3. Annual diversion volume** 145 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Tom Beall Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Tom Beall Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
  - a. The Tom Beall Creek Subbasin of Basin 85 includes all lands draining into Tom Beall Creek, which is a tributary to Lapwai Creek. The area included within the Tom Beall Creek subbasin is depicted on a map entitled "Tom Beall Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water

**this water right**

Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15589

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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>   | Ground water sources within the Unnamed Creek (Big Canyon) subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>   | 26 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Unnamed Creek (Big Canyon) Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek (Big Canyon) Subbasin of Basin 85.   |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Unnamed Creek (Big Canyon) Subbasin of Basin 85 includes all lands draining into Unnamed Creek (Big Canyon), which is a tributary to Big Canyon Creek. The area included within the Unnamed Creek (Big Canyon) subbasin is depicted on a map entitled "Unnamed Creek (Big Canyon) subbasin within IDWR Basin 85," on |

**this water right**

file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15590

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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>   | Ground water sources within the Unnamed Creek (Lawyer) subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 7 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>   | June 11, 1855  |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Unnamed Creek (Lawyer) Subbasin of Basin 85.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek (Lawyer) Subbasin of Basin 85.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Unnamed Creek (Lawyer) Subbasin of Basin 85 includes all lands draining into Unnamed Creek (Lawyer), which is a tributary to Lawyer Creek. The area included within the Unnamed Creek (Lawyer) subbasin is depicted on a map entitled "Unnamed Creek (Lawyer) subbasin within IDWR Basin 85," on file with the Director |

**this water right**

of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15591

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Webb Creek subbasin of Basin 85
- 3. Annual diversion volume** 34 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Webb Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Webb Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
  - a. The Webb Creek Subbasin of Basin 85 includes all lands draining into Webb Creek, which is a tributary to Lapwai Creek. The area included within the Webb Creek subbasin is depicted on a map entitled "Webb Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.
  - b. Notwithstanding the Priority Date of this water right, the Tribe

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 85-15592

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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>  | Ground water sources within the Willow Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>  | 52 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>  | June 11, 1855   |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Willow Creek Subbasin of Basin 85.  |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Willow Creek Subbasin of Basin 85.   |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Willow Creek Subbasin of Basin 85 includes all lands draining into Willow Creek, which is a tributary to Lawyer Creek. The area included within the Willow Creek subbasin is depicted on a map entitled "Willow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.<br>b. Notwithstanding the Priority Date of this water right, the Tribe |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 86-11950

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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>  | Ground water sources within the Bedrock Creek subbasin of Basin 86   |
| <b>3. Annual diversion volume</b>  | 56 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Bedrock Creek Subbasin of Basin 86.  |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Bedrock Creek Subbasin of Basin 86.   |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Bedrock Creek Subbasin of Basin 86 includes all lands draining into Bedrock Creek, which is a tributary to the Clearwater River. The area included within the Bedrock Creek subbasin is depicted on a map entitled "Bedrock Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 86-11951

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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE  
Bureau of Indian Affairs  
911 N.E. 11<sup>th</sup> Ave.  
Portland, OR 97232
- 2. Source of water** Ground water sources within the Hatwai Creek subbasin of Basin 86
- 3. Annual diversion volume** 11 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Hatwai Creek Subbasin of Basin 86.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Hatwai Creek Subbasin of Basin 86.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
  - a. The Hatwai Creek Subbasin of Basin 86 includes all lands draining into Hatwai Creek, which is a tributary to the Clearwater River. The area included within the Hatwai Creek subbasin is depicted on a map entitled "Hatwai Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.



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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 86-11952

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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>   | Ground water sources within the Little Potlatch Creek subbasin of Basin 86  |
| <b>3. Annual diversion volume</b>   | 4 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>  | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code  |
| <b>5. Priority date</b>   | June 11, 1855   |
| <b>6. Points of diversion</b>   | Points of diversion may be developed from ground water sources within the Little Potlatch Creek Subbasin of Basin 86.   |
| <b>7. Purpose of use</b>  | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.   |
| <b>8. Period of use</b>   | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.  |
| <b>9. Place of use</b>  | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Little Potlatch Creek Subbasin of Basin 86.  |
| <b>10. Basis of right</b>   | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.  |
| <b>11. Other provisions necessary for definition or administration of</b> | a. The Little Potlatch Creek Subbasin of Basin 86 includes all lands draining into Little Potlatch Creek, which is a tributary to the Clearwater River. The area included within the Little Potlatch Creek subbasin is depicted on a map entitled "Little Potlatch Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho |

**this water right**

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 86-11953

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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>  | Ground water sources within the Pine Creek subbasin of Basin 86  |
| <b>3. Annual diversion volume</b>  | 10 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Pine Creek Subbasin of Basin 86.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Pine Creek Subbasin of Basin 86.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | <p>a. The Pine Creek Subbasin of Basin 86 includes all lands draining into Pine Creek, which is a tributary to the Clearwater River. The area included within the Pine Creek subbasin is depicted on a map entitled "Pine Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

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

In re SRBA  
Case No. 39576

NOTICE OF CLAIM FOR  
Federal Reserved Water Right 86-11954

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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>  | Ground water sources within the Potlatch River subbasin of Basin 86  |
| <b>3. Annual diversion volume</b>  | 93 acre-feet per year (AFY)  |
| <b>4. Diversion rate</b>   | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code   |
| <b>5. Priority date</b>  | June 11, 1855  |
| <b>6. Points of diversion</b>  | Points of diversion may be developed from ground water sources within the Potlatch River Subbasin of Basin 86.   |
| <b>7. Purpose of use</b>   | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.  |
| <b>8. Period of use</b>  | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.   |
| <b>9. Place of use</b>   | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Potlatch River Subbasin of Basin 86.  |
| <b>10. Basis of right</b>  | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny.   |
| <b>11. Other provisions necessary for definition or administration of this water right</b> | a. The Potlatch River Subbasin of Basin 86 includes all lands draining into Potlatch River, which is a tributary to the Clearwater River. The area included within the Potlatch River subbasin is depicted on a map entitled "Potlatch River subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.