

**NOTICE OF FILING OF  
CLAIMS TO FEDERAL RESERVED WATER RIGHTS  
IDWR BASINS 81, 82, 83, 84, 85, and 86  
(NEZ PERCE TRIBE MULTIPLE USE CLAIMS)**

**INTRODUCTION**

On August 3, 2005, the Snake River Basin Adjudication (SRBA) District Court issued a *Scheduling Order and Notices of Hearing Re: Implementation of Nez Perce Settlement Agreement*. (Scheduling Order) The court set forth a schedule for the filing of the federal reserved water rights claims that have been filed by the United States, as trustee of the Nez Perce Tribe, in Basins 81, 82, 83, 84, 85, and 86. Pursuant to the *Scheduling Order*, the Director of the Idaho Department of Water Resources (IDWR) has filed with the SRBA District Court these claims to federal reserved water rights filed in IDWR Basins 81, 82, 83, 84, 85, and 86 (Nez Perce Tribe Multiple Use Claims). IDWR does not investigate or make recommendations for claims based upon federal law. These claims to federal reserved water rights can be reviewed at any of the locations listed at the end of this Notice or from the IDWR Web Site: [www.idwr.idaho.gov/nezperce](http://www.idwr.idaho.gov/nezperce). Additional information on the Nez Perce Tribe's claims, including a copy of the settlement agreement and the "term sheet" which outlines the components of the negotiated settlement can also be obtained from the IDWR Web Site.

The federal reserved water right claims to springs and fountains that were previously reported in Consolidated Subcase 67-13701 will proceed in accordance with the SRBA Court's *Scheduling Order and Notices of Hearing, Re: Implementation of Nez Perce Settlement Agreement*. p. 8 (August 3, 2005).

The State of Idaho, by and through the Idaho Water Resource Board, Minimum Flow Claims, 71-10886 *et al.*, for the Clearwater and Salmon River basins, were filed with the SRBA District Court in the *Director's Report of the Idaho Water Resource Board Claims Pursuant to I.C. § 42-1507* on or about August 13, 2005. This Director's Report can be reviewed at the locations listed at the end of this Notice or from the IDWR Web Site listed above.

**SUMMARY OF THE SETTLEMENT OF NEZ PERCE TRIBE MULTIPLE USE WATER RIGHTS<sup>1</sup>**

As part of a comprehensive settlement of the Nez Perce Tribe's water right claims in the Snake River Basin Adjudication, the United States, as trustee for the Tribe, has filed Negotiated Agreements describing claims for 50,000 acre-feet of water to serve the Nez Perce Tribe's multiple use water needs. The majority of the water claimed comes from the Clearwater River or from groundwater sources directly connected to the Clearwater River. The claims serve a variety of tribal water needs including irrigation, domestic, commercial, municipal, industrial, stockwatering, hatchery, cultural, and other purposes. The water is to be used on lands held by the United States in trust for the Tribe, on lands owned by the Tribe in fee, and on allotted lands held in trust or under restrictions against alienation. The water rights will be administered by the Nez Perce Tribe pursuant to a water code to be developed by the Tribe.

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<sup>1</sup> This Summary is provided for the convenience of the reader and contains only a summary of the water rights. It is not a part of the water right claims and in the event of any inconsistency between this Summary and the claims, the claims control.

The following table contains a general summary of the claims:

Source	Surface water volume	Groundwater volume	Total Diversion Volume
	(Acre-feet)		
Clearwater River*	33,629	1021	34,650
Tributaries	12,178	3,172	15,350
<b>Total</b>	<b>45,807</b>	<b>4,193</b>	<b>50,000</b>

\*Includes diversions from the mainstem, North Fork, Middle Fork, and South Fork of the Clearwater River.

These multiple use claims are one component of a negotiated comprehensive settlement among parties to the mediation process ordered by the Snake River Basin Adjudication Court. That mediation process was initiated to resolve issues relating to the Nez Perce claims for instream flows to support the Tribe's fishing rights, but also sought a comprehensive resolution of the Tribe's water rights. The 50,000 acre-feet of water rights for the Tribe's multiple use water needs is a compromise from the original 238,327 acre-foot claim filed by the United States and the Tribe in 1992. By the terms of the settlement agreement, the 50,000 acre-feet claimed in the Negotiated Agreements are either from the Clearwater River or are conditioned to assure no injury to any existing water users. The 50,000 acre-feet also include 21 acre-feet of water rights on Lapwai Creek and its tributaries that were previously decreed in the 1916 *Siegrist* decree. A more detailed summary of the claims can be found at the end of this Notice.

## INSTRUCTIONS FOR TAKING A CLAIM TO COURT

### *What do I do if I disagree with a federal reserved water right claim?*

If you disagree with any element of the claim to the federal reserved water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at [www.srba.state.id.us](http://www.srba.state.id.us).

Your objection to a federal reserved water right must be **received** by the SRBA Court on or before **November 1, 2005**.

### *What do I do if I want to participate in the court case on a claim to a federal reserved right?*

If you want to be involved in the court case on a claim to a federal reserved right, you must file either an objection or a response by the dates provided in this notice. Responses must be made on the standard response form available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Web Site at [www.srba.state.id.us](http://www.srba.state.id.us).

Your response must be **received** by the SRBA Court on or before **January 6, 2006**.

### *What happens if there are no objections to the federal reserved water right claim?*

An evidentiary hearing on any uncontested federal reserved water rights will be held. Partial decrees will be issued following this hearing.

A **Status Conference** on uncontested federal reserved water rights and the initial hearing for any objected to federal reserve water right is set for **January 17, 2006, at 1:30 p.m. (MST) at the SRBA Courthouse, 253 3<sup>rd</sup> Ave. N., Twin Falls, Idaho. Telephone participation is available by calling 1-918-583-3445, then dialing participant code 406128.**

***How will I know about the proceedings on claims to federal reserved water rights to which objections were filed?***

A notice will be mailed to you for court dates on those claims where you filed an objection or a response. You will not receive notice of court dates on any other claims to federal reserved rights for which you did not file an objection or response.

If you have a change in address or ownership of your water rights during the SRBA Court case please contact your regional IDWR office with the change so that the records may be updated.

Additional information regarding federal reserved water right claims can be found on the SRBA Web Site at: [www.srba.state.id.us](http://www.srba.state.id.us).

**Note:** The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse, or you may subscribe by contacting the SRBA Court. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at [www.srba.state.id.us](http://www.srba.state.id.us).

## **ADDITIONAL INFORMATION**

If you have questions about the SRBA, public information brochures are available at any IDWR office or on the IDWR Web Site at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

### **Snake River Basin Adjudication**

#### ***District Court***

253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707  
(208) 736-3011

### **Idaho Department of Water Resources**

322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098  
(208) 287-4800  
(800) 451-4129

### **Idaho Department of Water Resources**

#### ***Western Region***

2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

### **Idaho Department of Water Resources**

#### ***Northern Region***

1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814-2615  
(208) 769-1450

**Idaho Department of Water Resources**

***Southern Region***

1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301-3380  
(208) 736-3033

**Clearwater County Courthouse**

150 Michigan Avenue  
Orofino, ID 83544

**Latah County Courthouse**

522 S. Adams  
Moscow, ID 83843

**Nez Perce County Courthouse**

1230 Main St.  
Lewiston, ID 83501

**Idaho Department of Water Resources**

***Eastern Region***

900 North Skyline, Suite A  
Idaho Falls, Idaho 83402-3653  
(208) 525-7161

**Idaho County Courthouse**

320 W. Main  
Grangeville, ID 83530

**Lewis County Courthouse**

510 Oak St.  
Nezperce, ID 83543

**Shoshone County Courthouse**

700 Bank St.  
Wallace, ID 83873

## DEFINITIONS OF THE ELEMENTS OF A WATER RIGHT

**RIGHT NUMBER:** A water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 23.

**NAME AND ADDRESS:** The claimant's name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

**SOURCE:** The name and/or type of the source where water is diverted. For example: "groundwater," "unnamed spring," "Common Creek."

**QUANTITY:** The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

**PRIORITY DATE:** The date used to determine the priority of the water right in relation to other water rights using water from the same source.

**POINT OF DIVERSION:** The legal location where water is diverted from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

**PURPOSE OF USE:** The general category of the type of use that can be made with the water. Typical purposes of use include irrigation, domestic, and stock watering.

**PERIOD OF USE:** The period of time during the year when water can be used under the water right.

**PLACE OF USE:** The legal location where use of the water right occurs; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

**PLACE OF USE FOR IRRIGATION PROJECTS:** Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(h), IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR Internet Web Site [www.idwr.idaho.gov](http://www.idwr.idaho.gov). *Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.*

**BASIS OF CLAIM:** The method that was used to establish the claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit or federal reserved.

**IDWR does not investigate or make recommendations regarding federal law based claims.**

### More Detailed Summary of the Nez Perce Tribe Multiple Use Claims

IDWR Basin	Source	Tributary To	Groundwater	Surface water (Acre-feet)	Total Diversions
81	Clear Creek	Clearwater River	2	846	848
81	Maggie Creek	Clearwater River	16	13	29
81	Middle Fork Clearwater River	Clearwater River	44	4,118	4,162
82	South Fork Clearwater River	Clearwater River	53	1,304	1,357
82	Rabbit Creek	South Fork Clearwater River	5	4	9
83	North Fork Clearwater River	Clearwater River	20	2,913	2,933
84	Clearwater River	Snake River	152	2,691	2,843
84	Jim Ford Creek	Clearwater River	66	1,855	1,921
84	Lolo Creek	Clearwater River	0	12	12
84	Orofino Creek	Clearwater River	20	605	625
84	Tom Taha Creek	Clearwater River	17	23	40
84	Unnamed Creek	Clearwater River	20	32	52
85	Clearwater River	Snake River	435	11,745	12,180
85	Big Canyon Creek	Clearwater River	367	1,893	2,260
85	Posthole Canyon Creek	Big Canyon Creek	72	86	158
85	Unnamed Creek	Big Canyon Creek	26	52	78
85	Butcher Creek	Clearwater River	0	15	15
85	Cottonwood Creek	Clearwater River	197	220	417
85	Red Rock Creek	Cottonwood Creek	59	65	124
85	Effie Creek	Clearwater River	30	26	56
85	Fivemile Creek	Clearwater River	44	211	255
85	Jacks Creek	Clearwater River	7	10	17
85	Lapwai Creek	Clearwater River	457	1,238	1,695
85	Mission Creek	Lapwai Creek	138	220	358
85	Rock Creek	Lapwai Creek	29	244	273
85	Sweetwater Creek	Lapwai Creek	388	294	682
85	Sweetwater Creek, East Fork	Sweetwater Creek	89	79	168
85	Sweetwater Creek, West Fork	Sweetwater Creek	35	3	38
85	Tom Beall Creek	Lapwai Creek	145	131	276
85	Webb Creek	Lapwai Creek	34	128	162
85	Lawyer Creek	Clearwater River	285	367	652
85	Meadow Creek	Lawyer Creek	56	19	75
85	Sevenmile Creek	Lawyer Creek	79	143	222
85	Unnamed Creek (Lawyer)	Lawyer Creek	7	10	17
85	Willow Creek	Lawyer Creek	52	62	114
85	Little Canyon Creek	Clearwater River	5	918	923
85	Holes Creek	Little Canyon Creek	48	40	88
85	Long Hollow Creek	Little Canyon Creek	18	15	33
85	Sixmile Creek	Clearwater River	88	206	294
85	South Fork Clearwater River	Clearwater River	114	2,567	2,681
85	Cottonwood Creek	South Fork Clearwater River	89	159	248
85	Threemile Creek	South Fork Clearwater River	8	33	41
86	Clearwater River	Snake River	203	8,291	8,494
86	Bedrock Creek	Clearwater River	56	594	650
86	Hatwai Creek	Clearwater River	11	10	21
86	Little Potlatch Creek	Clearwater River	4	61	65
86	Pine Creek	Clearwater River	10	9	19
86	Potlatch River	Clearwater River	93	1,227	1,320
<b>Total</b>			<b>4,193</b>	<b>45,807</b>	<b>50,000</b>

IN THE DISTRICT COURT 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 83-11944

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| <b>1. Name and address of owner:</b>                    | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 North Fork Clearwater River subbasin of Basin 83 that are not hydrologically connected with the North Fork Clearwater River.  |
| <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 North Fork Clearwater River subbasin of Basin 83.   |
| <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 North Fork Clearwater River subbasin of Basin 83.  |
| <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</b> | a. North Fork Clearwater River subbasin of Basin 83 includes all lands draining into North Fork Clearwater River. The area included within this subbasin is depicted on a map entitled "North Fork Clearwater River subbasin within IDWR Basin 83," on file |

**administration of  
this water right**

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. To the extent that groundwater sources within the North Fork Clearwater River subbasin of Basin 83 are hydrologically connected to the North Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 83-11941 and not a part of this water right. The presumptions regarding connectivity in water right 83-11941 apply to determinations of whether a diversion is part of this water right.

d. 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 ground water 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 ground water users.

e. 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 81-11933

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| <b>1. Name and address of owner:</b>                    | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Middle Fork Clearwater River subbasin of Basin 81 that are not hydrologically connected with the Middle Fork Clearwater River.   |
| <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 Middle Fork Clearwater River 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 Middle Fork Clearwater River 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</b> | a. Middle Fork Clearwater River subbasin of Basin 81 includes all lands draining into Middle Fork Clearwater River. The area included within this subbasin is depicted on a map entitled "Middle Fork Clearwater River subbasin within IDWR Basin 81," on file |

**administration of  
this water right**

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. To the extent that groundwater sources within the Middle Fork Clearwater River subbasin of Basin 81 are hydrologically connected to the Middle Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 81-11932 and not a part of this water right. The presumptions regarding connectivity in water right 81-11932 apply to determinations of whether a diversion is part of this water right.

d. 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 ground water 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 ground water users.

e. 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 84-12214

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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Clearwater River subbasin of Basin 84 that are not hydrologically connected with the Clearwater River.   |
| <b>3. Annual diversion volume</b>   | 152 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 Clearwater River 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 Clearwater River 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. Clearwater River subbasin of Basin 84 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources. |

**this water right**

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. To the extent that groundwater sources within the Clearwater River subbasin of Basin 84 are hydrologically connected to the Clearwater River, diversions from those sources shall be considered to be exercise of water right 84-12213 and not a part of this water right. The presumptions regarding connectivity in water right 84-12213 apply to determinations of whether a diversion is part of this water right.

d. 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 ground water 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 ground water users.

e. 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 85-15594

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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Clearwater River subbasin of Basin 85 that are not hydrologically connected with the Clearwater River.   |
| <b>3. Annual diversion volume</b>   | 435 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 Clearwater River 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 Clearwater River 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. Clearwater River subbasin of Basin 85 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

**this water right**

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. To the extent that groundwater sources within the Clearwater River subbasin of Basin 85 are hydrologically connected to the Clearwater River, diversions from those sources shall be considered to be exercise of water right 85-15593 and not a part of this water right. The presumptions regarding connectivity in water right 85-15593 apply to determinations of whether a diversion is part of this water right.

d. 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 ground water 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 ground water users.

e. 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 86-11956

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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Clearwater River subbasin of Basin 86 that are not hydrologically connected with the Clearwater River.   |
| <b>3. Annual diversion volume</b>   | 203 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 Clearwater 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 Clearwater 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</b> | a. Clearwater River subbasin of Basin 86 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources. |

**this water right**

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. To the extent that groundwater sources within the Clearwater River subbasin of Basin 86 are hydrologically connected to the Clearwater River, diversions from those sources shall be considered to be exercise of water right 86-11955 and not a part of this water right. The presumptions regarding connectivity in water right 86-11955 apply to determinations of whether a diversion is part of this water right.

d. 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 ground water 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 ground water users.

e. 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 85-15593

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232               |
| <b>2. Source of water</b>            | Surface water sources within the mainstem Clearwater River Subbasin of Basin 85 and groundwater sources hydrologically connected thereto.   |
| <b>3. Annual diversion volume</b>    | 11745 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 to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation |
| <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>               | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.  |
| <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</b>          | a. The mainstem Clearwater River Subbasin of Basin 85 includes all lands draining into the mainstem Clearwater River  |

**necessary for  
definition or  
administration of  
this water right**

within Basin 85. The area included within this subbasin is depicted on a map entitled “Clearwater River subbasin within IDWR Basin 85,” on file with the Director of the Idaho Department of Water Resources.

b. For groundwater wells in the vicinity of the Clearwater River, a hydrological connection to the Clearwater River is presumed when well levels respond to changes in the flow of the Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Clearwater River and drilled and sealed to a depth below the bed of the Clearwater River are presumed to be connected to the Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

c. For groundwater wells in the Lapwai Creek subbasin in or north of the town of Lapwai, and in that section of the Tom Beall Creek subbasin that is within Section 35, Township 36N, Range 4W, there is a presumption that the well is hydrologically connected to the Clearwater River when well levels respond to changes in the flow of the Clearwater River. Further, for wells in the Lapwai Creek valley north of the town of Lapwai, wells are presumed to be connected to the Clearwater River when the well is drilled to at least the following depths, expressed as elevation above mean sea level, and physically sealed in a manner to prevent drawing from any aquifer above the specified depth:

<b>Well location (all within Township 36N, Range 4W, Boise Meridian)</b>	<b>Well depth (MSL)</b>
South of the Clearwater River and north of a line running between the NE corner of the NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 23 and the NW corner of the SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 22	700 feet
South of a line running between the NE corner of the NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 23 and the NW corner of the SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 22 and north of the southernmost quarter-quarter sections of sections 22 and 23	550 feet
Within the southernmost quarter-quarter sections of Sections 22 and 23	500 feet
Within Sections 26 and 27	475 feet
Within Section 35	450 feet

These presumptions do not preclude demonstration of a hydrological connection using other methods.

d. 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.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion 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 83-11941

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                |
| <b>2. Source of water</b>            | Surface water sources within the North Fork Clearwater River Subbasin of Basin 83 and groundwater sources hydrologically connected thereto.  |
| <b>3. Annual diversion volume</b>    | 2913 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 to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| <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>               | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.   |
| <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</b>          | a. The North Fork Clearwater River Subbasin of Basin 83 includes all lands draining into North Fork Clearwater River. The  |

**necessary for  
definition or  
administration of  
this water right**

area included within this subbasin is depicted on a map entitled “North Fork Clearwater River subbasin within IDWR Basin 83,” on file with the Director of the Idaho Department of Water Resources.

b. For groundwater wells in the vicinity of the North Fork Clearwater River, a hydrological connection to the North Fork Clearwater River is presumed when well levels respond to changes in the flow of the North Fork Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the North Fork Clearwater River and drilled and sealed to a depth below the bed of the North Fork Clearwater River are presumed to be connected to the North Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

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.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion 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 81-11932

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                |
| <b>2. Source of water</b>            | Surface water sources within the Middle Fork Clearwater River Subbasin of Basin 81 and groundwater sources hydrologically connected thereto.   |
| <b>3. Annual diversion volume</b>    | 4118 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 to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| <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>               | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.   |
| <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</b>          | a. The Middle Fork Clearwater River Subbasin of Basin 81 includes all lands draining into Middle Fork Clearwater River. The  |

**necessary for  
definition or  
administration of  
this water right**

area included within this subbasin is depicted on a map entitled “Middle Fork Clearwater River subbasin within IDWR Basin 81,” on file with the Director of the Idaho Department of Water Resources.

b. For groundwater wells in the vicinity of the Middle Fork Clearwater River, a hydrological connection to the Middle Fork Clearwater River is presumed when well levels respond to changes in the flow of the Middle Fork Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Middle Fork Clearwater River and drilled and sealed to a depth below the bed of the Middle Fork Clearwater River are presumed to be connected to the Middle Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

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.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion 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 84-12213

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                |
| <b>2. Source of water</b>                 | Surface water sources within the Clearwater River Subbasin of Basin 84 and groundwater sources hydrologically connected thereto.   |
| <b>3. Annual diversion volume</b>         | 2691 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 to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| <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>                    | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.   |
| <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</b> | a. The Clearwater River Subbasin of Basin 84 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin  |



**definition or  
administration of  
this water right**

within IDWR Basin 84,” on file with the Director of the Idaho Department of Water Resources.

b. For groundwater wells in the vicinity of the Clearwater River, a hydrological connection to the Clearwater River is presumed when well levels respond to changes in the flow of the Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Clearwater River and drilled and sealed to a depth below the bed of the Clearwater River are presumed to be connected to the Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

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.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion 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 86-11955

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                |
| <b>2. Source of water</b>                 | Surface water sources within the Clearwater River Subbasin of Basin 86 and groundwater sources hydrologically connected thereto.   |
| <b>3. Annual diversion volume</b>         | 8291 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 to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| <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>                    | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.   |
| <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</b> | a. The Clearwater River Subbasin of Basin 86 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin  |

**definition or  
administration of  
this water right**

within IDWR Basin 86,” on file with the Director of the Idaho Department of Water Resources.

b. For groundwater wells in the vicinity of the Clearwater River, a hydrological connection to the Clearwater River is presumed when well levels respond to changes in the flow of the Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Clearwater River and drilled and sealed to a depth below the bed of the Clearwater River are presumed to be connected to the Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

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.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion 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 85-15627

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>                 | Lapwai Creek   |
| <b>3. Annual diversion volume</b>         | 5.5 acre-feet per year   |
| <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 surface water sources on Lapwai Creek  |
| <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>                    | Lands within Township 36 North, Range 4 West, Sections 26 & 27 that are also within Allotment 717 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| <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</b> | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916).  |

**definition or  
administration of  
this water right**

b. Water right 85-15546 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use 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 Places of Use. Any proposed changes in Points of Diversion or Places of Use 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. 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 85-15628

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>                 | Lapwai Creek   |
| <b>3. Annual diversion volume</b>         | 1.7 acre-feet per year   |
| <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 surface water sources on Lapwai Creek  |
| <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>                    | Lands within Township 36 North, Range 4 West, Sections 22 & 27 that are also within Allotment 606 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| <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</b> | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916).  |

**definition or  
administration of  
this water right**

b. Water right 85-15546 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use 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 Places of Use. Any proposed changes in Points of Diversion or Places of Use 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. 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 85-15629

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>                 | Sweetwater Creek   |
| <b>3. Annual diversion volume</b>         | 1.8 acre-feet per year   |
| <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 surface water sources on Sweetwater Creek  |
| <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>                    | Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 314 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| <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</b> | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916).  |



**definition or  
administration of  
this water right**

b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use 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 Places of Use. Any proposed changes in Points of Diversion or Places of Use 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. 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 85-15630

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>                 | Sweetwater Creek   |
| <b>3. Annual diversion volume</b>         | 5.3 acre-feet per year   |
| <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 surface water sources on Sweetwater Creek  |
| <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>                    | Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 342 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| <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</b> | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916).  |

**definition or  
administration of  
this water right**

b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use 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 Places of Use. Any proposed changes in Points of Diversion or Places of Use 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. 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 85-15631

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>                 | Sweetwater Creek   |
| <b>3. Annual diversion volume</b>         | 1.7 acre-feet per year   |
| <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 surface water sources on Sweetwater Creek  |
| <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>                    | Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 343 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| <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</b> | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916).  |

**definition or  
administration of  
this water right**

b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use 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 Places of Use. Any proposed changes in Points of Diversion or Places of Use 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. 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 85-15632

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| <b>1. Name and address of owner:</b>      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232  |
| <b>2. Source of water</b>                 | Sweetwater Creek   |
| <b>3. Annual diversion volume</b>         | 5.2 acre-feet per year   |
| <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 surface water sources on Sweetwater Creek  |
| <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>                    | Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 344 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| <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</b> | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916).  |

**definition or  
administration of  
this water right**

b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use 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 Places of Use. Any proposed changes in Points of Diversion or Places of Use 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. 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 82-12218

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                |
| <b>2. Source of water</b>            | Surface water sources within the South Fork Clearwater River Subbasin of Basin 82 and groundwater sources hydrologically connected thereto.  |
| <b>3. Annual diversion volume</b>    | 1304 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 to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| <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>               | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.   |
| <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</b>          | a. The South Fork Clearwater River Subbasin of Basin 82 includes all lands draining into South Fork Clearwater River, which  |



**necessary for  
definition or  
administration of  
this water right**

is a tributary to the mainstem Clearwater River. The area included within this subbasin is depicted on a map entitled “South Fork Clearwater River subbasin within IDWR Basin 82,” on file with the Director of the Idaho Department of Water Resources. The total water diverted by the Tribe from this water right shall not exceed the Annual Volume specified above.

b. For groundwater wells in the vicinity of the South Fork Clearwater River, a hydrological connection to the South Fork Clearwater River is presumed when well levels respond to changes in the flow of the South Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

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.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion 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 85-15595

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                |
| <b>2. Source of water</b>            | Surface water sources within the South Fork Clearwater River Subbasin of Basin 85 and groundwater sources hydrologically connected thereto.  |
| <b>3. Annual diversion volume</b>    | 2567 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 to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| <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>               | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.   |
| <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</b>          | a. The South Fork Clearwater River Subbasin of Basin 85 includes all lands draining into South Fork Clearwater River, which  |

**necessary for  
definition or  
administration of  
this water right**

is a tributary to the mainstem Clearwater River. The area included within this subbasin is depicted on a map entitled “South Fork Clearwater River subbasin within IDWR Basin 85,” on file with the Director of the Idaho Department of Water Resources. The total water diverted by the Tribe from this water right shall not exceed the Annual Volume specified above.

b. For groundwater wells in the vicinity of the South Fork Clearwater River, a hydrological connection to the South Fork Clearwater River is presumed when well levels respond to changes in the flow of the South Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

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.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion 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 82-12219

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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 South Fork Clearwater River Subbasin of Basin 82 that are not hydrologically connected with the South Fork Clearwater River.   |
| <b>3. Annual diversion volume</b>   | 53 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 South Fork Clearwater River 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 South Fork Clearwater River 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</b> | a. The South Fork Clearwater River Subbasin of Basin 82 includes all lands draining into the South Fork Clearwater River, which is a tributary to the mainstem Clearwater River. The area included within this subbasin is depicted on a map entitled "South Fork Clearwater River subbasin within IDWR Basin 82," on file |

**this water right**

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. To the extent that groundwater sources within the South Fork Clearwater River Subbasin of Basin 82 are hydrologically connected to the South Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 82-12218 and not a part of this water right. The presumptions regarding connectivity in water right 82-12218 apply to determinations of whether a diversion is part of this water right.

d. 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 ground water 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 ground water users.

e. 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 85-15596

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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 South Fork Clearwater River Subbasin of Basin 85 that are not hydrologically connected with the South Fork Clearwater River.   |
| <b>3. Annual diversion volume</b>   | 114 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 South Fork Clearwater River 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 South Fork Clearwater River 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 South Fork Clearwater River Subbasin of Basin 85 includes all lands draining into the South Fork Clearwater River, which is a tributary to the mainstem Clearwater River. The area included within this subbasin is depicted on a map entitled "South Fork Clearwater River subbasin within IDWR Basin 85," on file |

**this water right**

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. To the extent that groundwater sources within the South Fork Clearwater River Subbasin of Basin 85 are hydrologically connected to the South Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 85-15595 and not a part of this water right. The presumptions regarding connectivity in water right 85-15595 apply to determinations of whether a diversion is part of this water right.

d. 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 ground water 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 ground water users.

e. 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 85-15597

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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 290 acre-feet per year (AFY)   |
| <b>4. Diversion rate</b>   | Not to exceed 4 cfs  |
| <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 Subbasin of Basin 85  |
| <b>7. Purpose of use</b>   | Fish propagation purposes.   |
| <b>8. Period of use</b>  | January 1 to December 31.  |
| <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 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> | <p style="margin-left: 40px;">a. The Sweetwater Creek Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, a tributary of Lapwai Creek. The area included within the Sweetwater Creek Subbasin of Basin 85 is depicted on a map entitled "Sweetwater Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p style="margin-left: 40px;">b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a</p> |



manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. The purpose of this water right is for fish propagation purposes. The consumptive use of this water right is limited to evaporation and leakage from fish propagation facilities and shall not exceed 5% of the volume of water diverted. Return flows from this water right shall be returned to Sweetwater Creek.

d. 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.

e. 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 81-11930

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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> | <p style="margin-left: 40px;">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.</p> <p style="margin-left: 40px;">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 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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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Orofino 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 Orofino 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 Orofino 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 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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| <b>1. Name and address of owner:</b>                    | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 (S.Fork Clearwater) 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 Cottonwood Creek (S.Fork 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 (S.Fork 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</b> | 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> | <div style="margin-left: 40px;"><p>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.</p><p>b. Notwithstanding the Priority Date of this water right, the Tribe</p></div> |

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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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Holes Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 48 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 Holes 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 Holes 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> | <p style="margin-left: 40px;">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.</p> <p style="margin-left: 40px;">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 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> | <p style="margin-left: 40px;">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.</p> <p style="margin-left: 40px;">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 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> | <p style="margin-left: 40px;">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.</p> <p style="margin-left: 40px;">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 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> | <div style="margin-left: 40px;">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</div> |



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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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Rock Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 29 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 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 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 this water right</b> | <p style="margin-left: 40px;">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.</p> <p style="margin-left: 40px;">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 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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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>   | 98 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 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 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 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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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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, West Fork subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 35 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, West 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, West 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, 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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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Threemile Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>   | 8 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 Threemile 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 Threemile 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 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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| <b>1. Name and address of owner:</b>                                      | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Beall Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>   | 145 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 Beall 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 Tom Beall 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 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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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Webb Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>  | 34 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 Webb 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 Webb 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> | <div style="margin-left: 40px;">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.<br/>b. Notwithstanding the Priority Date of this water right, the Tribe</div> |

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> | <div style="margin-left: 40px;">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</div> |

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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| <b>1. Name and address of owner:</b>   | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<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 Hatwai Creek subbasin of Basin 86  |
| <b>3. Annual diversion volume</b>  | 11 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 Hatwai 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 Hatwai 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 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> | <div style="margin-left: 40px;">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.<br/>b. Notwithstanding the Priority Date of this water right, the Tribe</div> |

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.

IN THE DISTRICT COURT 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 81-11917

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Clear Creek subbasin of Basin 81   |
| <b>3. Annual diversion volume</b>    | 846 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 surface water sources on Clear Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Clear Creek subbasin of Basin 81 includes all lands draining into Clear Creek, which is a tributary to the   |



**necessary for  
definition or  
administration of  
this water right**

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.

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.

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 81-11929

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Maggie Creek subbasin of Basin 81  |
| <b>3. Annual diversion volume</b>    | 13 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 surface water sources on Maggie Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Maggie Creek subbasin of Basin 81 includes all lands draining into Maggie Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 82-12120

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Rabbit Creek subbasin of Basin 82  |
| <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 surface water sources on Rabbit Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Rabbit Creek subbasin of Basin 82 includes all lands draining into Rabbit Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 84-12177

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Jim Ford Creek subbasin of Basin 84  |
| <b>3. Annual diversion volume</b>    | 1855 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 surface water sources on Jim Ford Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Jim Ford Creek subbasin of Basin 84 includes all lands draining into Jim Ford Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 84-12205

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Lolo Creek subbasin of Basin 84  |
| <b>3. Annual diversion volume</b>    | 12 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 surface water sources on Lolo Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Lolo 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 Lolo 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</b>          | a. The Lolo Creek subbasin of Basin 84 includes all lands draining into Lolo Creek, which is a tributary to the   |



**necessary for  
definition or  
administration of  
this water right**

Clearwater River. The area included within the Lolo Creek subbasin is depicted on a map entitled "Lolo 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.

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 84-12206

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Orofino Creek subbasin of Basin 84   |
| <b>3. Annual diversion volume</b>    | 605 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 surface water sources on Orofino Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Orofino 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 Orofino 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</b>          | a. The Orofino Creek subbasin of Basin 84 includes all lands draining into Orofino Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 84-12207

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Tom Taha Creek subbasin of Basin 84  |
| <b>3. Annual diversion volume</b>    | 23 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 surface water sources on Tom Taha Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Tom Taha Creek subbasin of Basin 84 includes all lands draining into Tom Taha Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 84-12208

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Unnamed Creek subbasin of Basin 84   |
| <b>3. Annual diversion volume</b>    | 32 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 surface water sources on Unnamed Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Unnamed Creek subbasin of Basin 84 includes all lands draining into Unnamed Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15456

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Big Canyon Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 1893 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 surface water sources on Big Canyon Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Big Canyon Creek subbasin of Basin 85 includes all lands draining into Big Canyon Creek, which is a tributary  |



**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15457

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Butcher Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 15 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 surface water sources on Butcher Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Butcher 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 Butcher 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</b>          | a. The Butcher Creek subbasin of Basin 85 includes all lands draining into Butcher Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

Clearwater River. The area included within the Butcher Creek subbasin is depicted on a map entitled “Butcher 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.

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 85-15458

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                         |
| <b>2. Source of water</b>            | Surface water sources within the Cottonwood Creek (Clearwater) subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 220 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 surface water sources on Cottonwood Creek (Clearwater) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>                     | a. The Cottonwood Creek (Clearwater) subbasin of Basin  |

**provisions  
necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15459

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                                       |
| <b>2. Source of water</b>            | Surface water sources within the Cottonwood Creek (S.Fork Clearwater) subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 159 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 surface water sources on Cottonwood Creek (S.Fork Clearwater) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Cottonwood Creek (S.Fork 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 (S.Fork 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</b>                     | a. The Cottonwood Creek (S.Fork Clearwater) subbasin  |

**provisions  
necessary for  
definition or  
administration of  
this water right**

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) 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.

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 85-15460

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Effie Creek 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 surface water sources on Effie Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Effie Creek subbasin of Basin 85 includes all lands draining into Effie Creek, which is a tributary to the   |



**necessary for  
definition or  
administration of  
this water right**

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.

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.

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 85-15461

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Fivemile Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 211 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 surface water sources on Fivemile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Fivemile Creek subbasin of Basin 85 includes all lands draining into Fivemile Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 85-15462

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Holes Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 40 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 surface water sources on Holes Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Holes 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 Holes 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</b>          | a. The Holes Creek subbasin of Basin 85 includes all lands draining into Holes Creek, which is a tributary to Little  |

**necessary for  
definition or  
administration of  
this water right**

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.

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 85-15545

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Jacks Creek subbasin of Basin 85   |
| <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 surface water sources on Jacks Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Jacks Creek subbasin of Basin 85 includes all lands draining into Jacks Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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.

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 85-15546

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Lapwai Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 1231 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 surface water sources on Lapwai Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Lapwai Creek subbasin of Basin 85 includes all lands draining into Lapwai Creek, which is a tributary to the   |



**necessary for  
definition or  
administration of  
this water right**

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.

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 85-15547

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Lawyer 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 surface water sources on Lawyer Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Lawyer Creek subbasin of Basin 85 includes all lands draining into Lawyer Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 85-15548

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232     |
| <b>2. Source of water</b>            | Surface water sources within the Little Canyon Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 918 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 surface water sources on Little Canyon Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Little Canyon Creek subbasin of Basin 85 includes all lands draining into Little Canyon Creek, which is a  |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15549

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Long Hollow Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 15 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 surface water sources on Long Hollow Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Long Hollow Creek subbasin of Basin 85 includes all lands draining into Long Hollow Creek, which is a  |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15550

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Meadow Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 19 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 surface water sources on Meadow Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Meadow Creek subbasin of Basin 85 includes all lands draining into Meadow Creek, which is a tributary to   |



**necessary for  
definition or  
administration of  
this water right**

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.

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.

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 85-15551

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Mission Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 220 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 surface water sources on Mission Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Mission Creek subbasin of Basin 85 includes all lands draining into Mission Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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.

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.

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 85-15552

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232         |
| <b>2. Source of water</b>            | Surface water sources within the Posthole Canyon Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 86 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 surface water sources on Posthole Canyon Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Posthole Canyon Creek subbasin of Basin 85 includes all lands draining into Posthole Canyon Creek, which   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15553

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Red Rock Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 65 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 surface water sources on Red Rock Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Red Rock Creek subbasin of Basin 85 includes all lands draining into Red Rock Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15554

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Rock Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 244 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 surface water sources on Rock Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the 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 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</b>          | a. The Rock Creek subbasin of Basin 85 includes all lands draining into Rock Creek, which is a tributary to Lapwai  |



**necessary for  
definition or  
administration of  
this water right**

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.

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 85-15555

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Sevenmile Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 143 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 surface water sources on Sevenmile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Sevenmile Creek subbasin of Basin 85 includes all lands draining into Sevenmile Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15556

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Sixmile Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 206 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 surface water sources on Sixmile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Sixmile Creek subbasin of Basin 85 includes all lands draining into Sixmile Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 85-15557

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Sweetwater Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 280 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 surface water sources on Sweetwater Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Sweetwater 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 Sweetwater 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</b>          | a. The Sweetwater Creek subbasin of Basin 85 includes all lands draining into Sweetwater Creek, which is a tributary  |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15558

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                     |
| <b>2. Source of water</b>            | Surface water sources within the Sweetwater Creek, East Fork 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 surface water sources on Sweetwater Creek, East Fork and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Sweetwater Creek, East Fork subbasin of Basin 85 includes all lands draining into Sweetwater Creek, East Fork,   |



**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15559

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                     |
| <b>2. Source of water</b>            | Surface water sources within the Sweetwater Creek, West Fork subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 3 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 surface water sources on Sweetwater Creek, West Fork and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Sweetwater Creek, West 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, West 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</b>          | a. The Sweetwater Creek, West Fork subbasin of Basin 85 includes all lands draining into Sweetwater Creek, West   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15560

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Threemile Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 33 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 surface water sources on Threemile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Threemile 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 Threemile 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</b>          | a. The Threemile Creek subbasin of Basin 85 includes all lands draining into Threemile Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15561

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Tom Beall Creek subbasin of Basin 85   |
| <b>3. Annual diversion volume</b>    | 131 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 surface water sources on Tom Beall Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Tom Beall 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 Tom Beall 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</b>          | a. The Tom Beall Creek subbasin of Basin 85 includes all lands draining into Tom Beall Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15562

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232                   |
| <b>2. Source of water</b>            | Surface water sources within the Unnamed Creek (Big Canyon) 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 surface water sources on Unnamed Creek (Big Canyon) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>                     | a. The Unnamed Creek (Big Canyon) subbasin of Basin   |



**provisions  
necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15563

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232           |
| <b>2. Source of water</b>            | Surface water sources within the Unnamed Creek (Lawyer) subbasin of Basin 85  |
| <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 surface water sources on Unnamed Creek (Lawyer) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Unnamed Creek (Lawyer) subbasin of Basin 85 includes all lands draining into Unnamed Creek (Lawyer),   |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 85-15564

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Webb Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 128 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 surface water sources on Webb Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Webb 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 Webb 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</b>          | a. The Webb Creek subbasin of Basin 85 includes all lands draining into Webb Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 85-15565

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Willow Creek subbasin of Basin 85  |
| <b>3. Annual diversion volume</b>    | 62 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 surface water sources on Willow Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Willow Creek subbasin of Basin 85 includes all lands draining into Willow Creek, which is a tributary to   |

**necessary for  
definition or  
administration of  
this water right**

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.

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.

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 86-11926

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Bedrock Creek subbasin of Basin 86   |
| <b>3. Annual diversion volume</b>    | 594 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 surface water sources on Bedrock Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Bedrock Creek subbasin of Basin 86 includes all lands draining into Bedrock Creek, which is a tributary to the   |



**necessary for  
definition or  
administration of  
this water right**

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.

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 86-11946

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Hatwai 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 surface water sources on Hatwai Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Hatwai 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 Hatwai 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</b>          | a. The Hatwai Creek subbasin of Basin 86 includes all lands draining into Hatwai Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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 86-11947

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|--------------------------------------|---|
| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232         |
| <b>2. Source of water</b>            | Surface water sources within the Little Potlatch Creek subbasin of Basin 86   |
| <b>3. Annual diversion volume</b>    | 61 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 surface water sources on Little Potlatch Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Little Potlatch Creek subbasin of Basin 86 includes all lands draining into Little Potlatch Creek, which is a  |

**necessary for  
definition or  
administration of  
this water right**

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 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.

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 86-11948

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Pine Creek subbasin of Basin 86  |
| <b>3. Annual diversion volume</b>    | 9 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 surface water sources on Pine Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Pine Creek subbasin of Basin 86 includes all lands draining into Pine Creek, which is a tributary to the   |

**necessary for  
definition or  
administration of  
this water right**

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.

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.

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 86-11949

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| <b>1. Name and address of owner:</b> | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE<br>Bureau of Indian Affairs<br>911 N.E. 11 <sup>th</sup> Ave.<br>Portland, OR 97232 |
| <b>2. Source of water</b>            | Surface water sources within the Potlatch River subbasin of Basin 86  |
| <b>3. Annual diversion volume</b>    | 1227 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 surface water sources on Potlatch River and on tributary streams adjacent to tribal trust, tribal fee, or allotted land 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</b>          | a. The Potlatch River subbasin of Basin 86 includes all lands draining into Potlatch River, which is a tributary to the   |



**necessary for  
definition or  
administration of  
this water right**

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.

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.