

IN THE DISTRICT COURT 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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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Lapwai Creek |
| 3. Annual diversion volume | 5.5 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Lapwai Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | 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 |
| 10. Basis of right | 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. |
| 11. Other provisions necessary for | 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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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Lapwai Creek |
| 3. Annual diversion volume | 1.7 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Lapwai Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | 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 |
| 10. Basis of right | 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. |
| 11. Other provisions necessary for | 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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- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
 - 2. Source of water** Sweetwater Creek
 - 3. Annual diversion volume** 1.8 acre-feet per year
 - 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
 - 5. Priority date** June 11, 1855
 - 6. Points of diversion** Points of diversion may be developed from surface water sources on Sweetwater Creek
 - 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code
 - 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code
 - 9. Place of use** 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
 - 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
 - 11. Other provisions necessary for**
 - a. This water right was originally decreed in *Siegrist v. Lewiston-Sweetwater Irrigation Co.*, 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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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Sweetwater Creek |
| 3. Annual diversion volume | 5.3 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sweetwater Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | 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 |
| 10. Basis of right | 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. |
| 11. Other provisions necessary for | 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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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Sweetwater Creek |
| 3. Annual diversion volume | 1.7 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sweetwater Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | 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 |
| 10. Basis of right | 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. |
| 11. Other provisions necessary for | 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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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Sweetwater Creek |
| 3. Annual diversion volume | 5.2 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sweetwater Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | 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 |
| 10. Basis of right | 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. |
| 11. Other provisions necessary for | 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.