

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

Subcase No. 85-2065

STANDARD FORM 5

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR

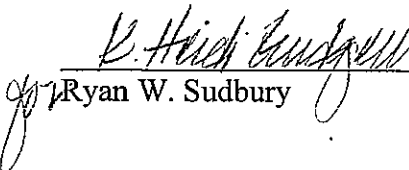
Nez Perce Tribe

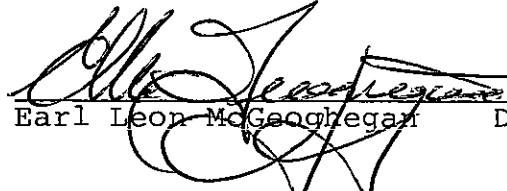
K. Heidi Gudgell 08-11-09
K. Heidi Gudgell, Attorney Date

INTERVENOR

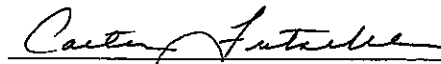
Nez Perce Tribe Exec Comm

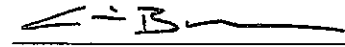
Lewiston Orchards Irrig. Dist.

 08-11-09
Ryan W. Sudbury Date

 9-2-09
Earl Leon McGaughiegan Date

IDWR Concurrence:

 10-8-08
Carter Fritschle Date

 10/8/08
Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Municipal use includes domestic use as claimed.

Water is delivered through the Webb Creek Canal.

CA
CB
EM
DL

CERTIFICATE OF MAILING

I certify that on June 18, ²⁰¹⁰~~2009~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

NEZ PERCE TRIBE
Represented by:
DAVID J. CUMMINGS
NEZ PERCE TRIBAL EXEC COMM
100 AGENCY ROAD
PO BOX 305
LAPWAI, ID 83540

LEWISTON ORCHARDS IRR DIST
Represented by:
EARL LEON MCGEOGHEGAN
1301 G STREET
LEWISTON, ID 83501

NEZ PERCE TRIBE
Represented by:
K. HEIDI GUDGELL
NEZ PERCE TRIBAL EXEC COMM
100 AGENCY ROAD
PO BOX 305
LAPWAI, ID 83540

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

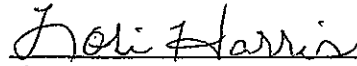
550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Lori Harris", is written over a horizontal line.

Signature of person mailing the form