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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 9 2010	
By _____	Clerk _____
Deputy Clerk _____	

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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 85-00016,
) 85-02049, 85-02063, 85-02065, 85-02146,
) 85-02147, 85-04483, 85-11087,
) and 85-15424

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On March 21, 2005, the Nez Perce Tribe, through its attorney K. Heidi Gudgell, filed objections to the *Director's Report* for each of these water rights. On June 21, 2010, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each subcase which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 85-00016, 85-02049, 85-02063, 85-02065, 85-02146, 85-02147, 85-04483, 85-11087, and 85-15424 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

July 9, 2010

Theodore R. Booth

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-00016

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: SWEETWATER CREEK. TRIBUTARY: LAPWAI CREEK

Point of injection into and point of redirection from Lindsay
Creek at Mann Lake.

QUANTITY: 55.00 CFS.

Right Nos. 85-16 and 85-4483 are limited to a total combined
diversion rate of 55.0 cfs

PRIORITY DATE: 07/14/1904

POINT OF DIVERSION: T34N R04W S21 LOT 3 (NWSW) Within Nez Perce County
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	55.00 CFS
	Municipal	01-01 TO 12-31	55.00 CFS

PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this
water right is described with a digital boundary as defined
by I.C. Section 42-202B(2) and authorized pursuant to I.C.
Section 42-1411(2)(h). The data comprising the digital boundary
are incorporated herein by reference and are stored on a CD-ROM
disk issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.
Place of use is within the service area of Lewiston Orchards
Irrigation District as provided for under Idaho law. The place
of use is generally described as within the city limits of
Lewiston and the surrounding service area.
Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147,
85-4483, 85-11087 and 85-15424 are limited to the irrigation of a
combined total of 3845 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right was originally decreed in Siegrist v. Lewiston-
Sweetwater Irrigation Co., No. 421 (D.Idaho, June 12, 1916).

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1411(2)(c)

RECOMMENDATION

JUL - 9 2010

David B. Booth
SPECIAL MASTER

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 85-02049

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: WAHA LAKE TRIBUTARY: SINKS

Point of injection in T33N, R04W, S09, NWNW is into an unnamed stream tributary to the West Fork of Sweetwater Creek. Point of redirection in T34N, R04W, S21, Lot 3 (NWSW) is from Sweetwater Creek via the Sweetwater Canal. Point of injection and point of redirection in T35N, R04W, S17, Lot 18 (SESE) is from Lindsay Creek at Mann Lake.

QUANTITY: 10.00 CFS

Right Nos. 85-2049 and 85-2063 are limited to a total combined diversion rate of 10.0 cfs.

PRIORITY DATE: 05/26/1915

POINT OF DIVERSION: T33N R04W S09 LOT 5 (SESE) Within Nez Perce County
NWNW (Injection)
T34N R04W S21 LOT 3 (NWSW) (Rediversion)
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	10.00 CFS
	Municipal	01-01 TO 12-31	10.00 CFS

PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the service area of Lewiston Orchards Irrigation District as provided for under Idaho law. The place of use is generally described as within the city limits of Lewiston and the surrounding service area. Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147, 85-4483, 85-11087 and 85-15424 are limited to the irrigation of a combined total of 3845 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE

RECOMMENDATION

JUL - 9 2010

SPECIAL MASTER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

(1)

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-02063

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: WAHA LAKE TRIBUTARY: SINKS

Point of injection in T33N, R04W, S09, NWNW is into an unnamed stream tributary to the West Fork of Sweetwater Creek. Point of redirection in T34N, R04W, S21, Lot 3 (NWSW) is from Sweetwater Creek via the Sweetwater Canal. Point of injection and point of redirection in T35N, R04W, S17, Lot 18 (SESE) is from Lindsay Creek at Mann Lake.

QUANTITY: 10.00 CFS

Right Nos. 85-2049 and 85-2063 are limited to a total combined diversion rate of 10.0 cfs.

PRIORITY DATE: 08/24/1923

POINT OF DIVERSION: T33N R04W S09 LOT 5 (SESE) Within Nez Perce County
NWNW (Injection)
T34N R04W S21 LOT 3 (NWSW) (Rediversion)
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

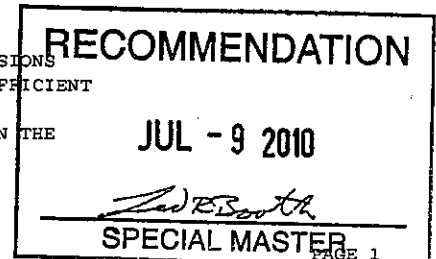
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	10.00 CFS
	Municipal	01-01 TO 12-31	10.00 CFS

PLACE OF USE:

3845 ACRES TOTAL
The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the service area of Lewiston Orchards Irrigation District as provided for under Idaho law. The place of use is generally described as within the city limits of Lewiston and the surrounding service area. Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147, 85-4483, 85-11087 and 85-15424 are limited to the irrigation of a combined total of 3845 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE



SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-02065

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: WEBB CREEK TRIBUTARY: SWEETWATER CREEK

Point of injection in T34N, R04W, S34, NENE is into the East
Fork of Sweetwater Creek. Point of redirection in T34N, R04W,
S21, Lot 3 (NWSW) is from Sweetwater Creek via the Sweetwater
Canal. Point of injection and point of redirection in T35N,
R04W, S17, Lot 18 (SESE) is from Lindsay Creek at Mann Lake.

QUANTITY: 19.00 CFS

PRIORITY DATE: 01/30/1924

POINT OF DIVERSION: T33N R03W S06 LOT 2 (NWNE) Within Nez Perce County
T34N R04W S21 LOT 3 (NWSW) (Rediversion)
S34 NENE (Injection)
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	19.00 CFS
	Municipal	01-01 TO 12-31	19.00 CFS

PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this
water right is described with a digital boundary as defined
by I.C. Section 42-202B(2) and authorized pursuant to I.C.
Section 42-1411(2)(h). The data comprising the digital boundary
are incorporated herein by reference and are stored on a CD-ROM
disk issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.
Place of use is within the service area of Lewiston Orchards
Irrigation District as provided for under Idaho law. The place
of use is generally described as within the city limits of
Lewiston and the surrounding service area.
Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147,
85-4483, 85-11087 and 85-15424 are limited to the irrigation of a
combined total of 3845 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6)

RECOMMENDATION

JUL - 9 2010

David Booth
SPECIAL MASTER

RULE 54(b) CERTIFICATE

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-02146

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: WEBB CREEK TRIBUTARY: SWEETWATER CREEK

Point of injection in T33N, R03W, S29, SESW is into Webb Creek.
Point of redirection in T33N, R03W, S06, Lot 2 (NWNE) is from
Webb Creek via the Webb Creek Canal. Point of injection in
T34N, R04W, S34, NENE is into the East Fork of Sweetwater
Creek. Point of redirection in T34N, R04W, S21, Lot 3 (NWSW)
is from Sweetwater Creek via the Sweetwater Canal. Point of
injection and point of redirection in T35N, R04W, S17, Lot 18
(SESE) is from Lindsay Creek at Mann Lake.

QUANTITY: 2000.00 AFY

Storage Capacity is 2930 AF.

PRIORITY DATE: 05/24/1922

POINT OF DIVERSION: T33N R03W S06 LOT 2 (NWNE) (Rediversion) Within Nez Perce County
S29 SESW
SESW (Injection)
T34N R04W S21 LOT 3 (NWSW) (Rediversion)
S34 NENE (Injection)
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	2000.00 AFY
	Irrigation from Storage	03-15 TO 11-15	2000.00 AFY
	Municipal Storage	01-01 TO 12-31	2000.00 AFY
	Municipal from Storage	01-01 TO 12-31	2000.00 AFY

PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this
water right is described with a digital boundary as defined
by I.C. Section 42-202B(2) and authorized pursuant to I.C.
Section 42-1411(2)(h). The data comprising the digital boundary
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Court and the Idaho Department of Water Resources. A map
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place of use described by the digital boundary.
Place of use is within the service area of Lewiston Orchards
Irrigation District as provided for under Idaho law. The place
of use is generally described as within the city limits of
Lewiston and the surrounding service area.
Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147,
85-4483, 85-11087 and 85-15424 are limited to the irrigation of a
combined total of 3845 acres in a single irrigation season.

RECOMMENDATION

JUL - 9 2010

SPECIAL MASTER

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 85-02147

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: BROWNS CREEK TRIBUTARY: CAPTAIN JOHN CREEK
UNNAMED STREAM TRIBUTARY: BROWNS CREEK

Point of injection in T32N, R04W, S01, NESW is into Webb Creek.
Point of diversion in T33N, R03W, S29, SESW is where water is
stored and released at Soldiers Meadow Reservoir. Point of
rediversion in T33N, R03W, S06, Lot 2 (NWNE) is from Webb Creek
via the Webb Creek Canal. Point of injection in T34N, R04W,
S34, NENE is into the East Fork of Sweetwater Creek. Point of
rediversion in T34N, R04W, S21, Lot 3 (NWSW) is from Sweetwater
Creek via the Sweetwater Canal. Point of injection and point
of rediversion in T35N, R04W, S17, Lot 18 (SESE) is from Lindsay
Creek at Mann Lake.

QUANTITY: 6.30 CFS
2000.00 AFY

Storage Capacity is 2930 AF.

PRIORITY DATE: 12/04/1934

POINT OF DIVERSION: T32N R04W S00 SWNE Within Nez Perce County
S01 LOT 4 (NWNW)
NESW (Injection)
T33N R03W S06 LOT 2 (NWNE) (Rediversion)
S29 SESW
T34N R04W S21 LOT 3 (NWSW) (Rediversion)
S34 NENE (Injection)
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	2000.00 AFY
	Irrigation from Storage	03-15 TO 11-15	2000.00 AFY
	Municipal Storage	01-01 TO 12-31	2000.00 AFY
	Municipal from Storage	01-01 TO 12-31	2000.00 AFY
	Diversion to Storage	01-01 TO 12-31	6.30 CFS

PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this
water right is described with a digital boundary as defined
by I.C. Section 42-202B(2) and authorized pursuant to I.C.
Section 42-1411(2)(h). The data comprising the digital boundary
are incorporated herein by reference and are stored on a CD-ROM
disk issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.
Place of use is within the service area of Lewiston Orchards
Irrigation District as provided for under Idaho law. The place

PLACE OF USE (continued)

of use is generally described as within the city limits of Lewiston and the surrounding service area.
Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147, 85-4483, 85-11087 and 85-15424 are limited to the irrigation of a combined total of 3845 acres in a single irrigation season.

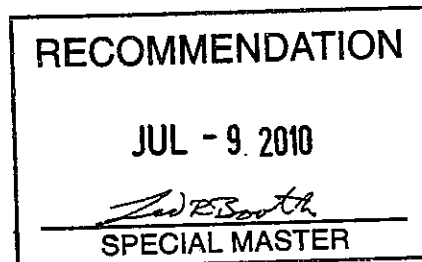
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-04483

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: LINDSAY CREEK TRIBUTARY: CLEARWATER RIVER
SWEETWATER CREEK TRIBUTARY: LAPWAI CREEK

Point of injection into and point of rediversion from Lindsay
Creek at Manni Lake.

QUANTITY: 55.00 CFS
10500.00 AFY

Storage capacity is 3300 AF.
Right Nos. 85-16 and 85-4483 are limited to a total combined
diversion rate of 55.00 cfs.

PRIORITY DATE: 06/01/1907

POINT OF DIVERSION: T34N R04W S21 LOT 3 (NWSW) Within Nez Perce County
T35N R04W S17 LOT 18 (SESE)
LOT 18 (SESE)(Injection)
LOT 18 (SESE)(Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	8000.00 AFY
	Irrigation from Storage	03-15 TO 11-15	8000.00 AFY
	Stockwater Storage	01-01 TO 12-31	1000.00 AFY
	Stockwater from Storage	01-01 TO 12-31	1000.00 AFY
	Municipal Storage	01-01 TO 12-31	1500.00 AFY
	Municipal from Storage	01-01 TO 12-31	1500.00 AFY
	Diversion to Storage	01-01 TO 12-31	55.00 CFS

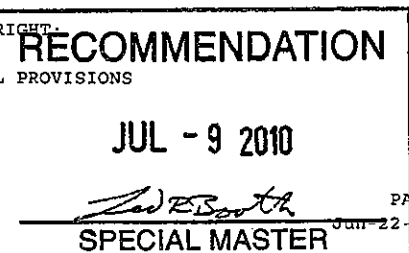
PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this
water right is described with a digital boundary as defined
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place of use described by the digital boundary.
Place of use is within the service area of Lewiston Orchards
Irrigation District as provided for under Idaho law. The place
of use is generally described as within the city limits of
Lewiston and the surrounding service area.
Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147,
85-4483, 85-11087 and 85-15424 are limited to the irrigation of a
combined total of 3845 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS



OTHER PROVISIONS (continued)

NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 85-11087

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: WEST FORK SWEETWATER CREEK TRIBUTARY: SWEETWATER CREEK

Point of injection in T33N, R04W, S15, Lot 4 (SNNW) is into Waha Lake. Point of redirection in T33N, R04W, S09, Lot 5 (SESE) is from Waha Lake. Point of injection in T33N, R04W, S09, NNNW is into an unnamed stream tributary to the West Fork of Sweetwater Creek. Point of redirection in T34N, R04W, S21, Lot 3 (NWSW) is from Sweetwater Creek via the Sweetwater Canal. Point of injection and point of redirection in T35N, R04W, S17, Lot 18 (SESE) is from Lindsay Creek at Mann Lake.

QUANTITY: 20.00 CFS
1308.50 AFY

PRIORITY DATE: 12/31/1935

POINT OF DIVERSION: T33N R04W S09 LOT 5 (SESE) (Rediversion) Within Nez. Perce County
NWNW (Injection)
S14 SWSW
S15 LOT 4 (SNNW) (Injection)
T34N R04W S21 LOT 3 (NWSW) (Rediversion)
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	1308.50 AFY
	Irrigation from Storage	03-15 TO 11-15	1308.50 AFY
	Municipal Storage	01-01 TO 12-31	1308.50 AFY
	Municipal from Storage	01-01 TO 12-31	1308.50 AFY
	Diversion to Storage	01-01 TO 12-31	20.00 CFS

PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the service area of Lewiston Orchards Irrigation District as provided for under Idaho law. The place of use is generally described as within the city limits of Lewiston and the surrounding service area. Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2148, 85-4483, 85-11087 and 85-15424 are limited to the irrigation of a combined total of 3845 acres in a single irrigation season.

RECOMMENDATION

JUL - 9 2010

Les B. Smith
SPECIAL MASTER

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 85-15424

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: WAHA LAKE TRIBUTARY: SINKS

Point of injection in T33N, R04W, S09, NWNW is into an unnamed stream tributary to the West Fork of Sweetwater Creek. Point of rediversion in T34N, R04W, S21, Lot 3 (NWSW) is from Sweetwater Creek via the Sweetwater Canal. Point of injection and point of rediversion in T35N, R04W, S17, Lot 18 (SESE) is from Lindsay Creek at Mann Lake.

QUANTITY: 3497.50 AFY

Storage capacity is 3497.5 AF.

PRIORITY DATE: 12/01/1935

POINT OF DIVERSION: T33N R04W S09 LOT 5 (SESE) Within Nez Perce County
NWNW (Injection)
T34N R04W S21 LOT 3 (NWSW) (Rediversion)
T35N R04W S17 LOT 18 (SESE) (Injection)
LOT 18 (SESE) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	3497.50 AFY
	Irrigation from Storage	03-15 TO 11-15	3497.50 AFY
	Municipal Storage	01-01 TO 12-31	3497.50 AFY
	Municipal from Storage	01-01 TO 12-31	3497.50 AFY

PLACE OF USE:

3845 ACRES TOTAL

The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the service area of Lewiston Orchards Irrigation District as provided for under Idaho law. The place of use is generally described as within the city limits of Lewiston and the surrounding service area. Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147, 85-4483, 85-11087 and 85-15424 are limited to the irrigation of a combined total of 3845 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

RECOMMENDATION

JUL - 9 2010

SPECIAL MASTER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL - 9 2010	
By _____	Clark
Deputy Clerk	

IN THE DISTRICT COURT 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 ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

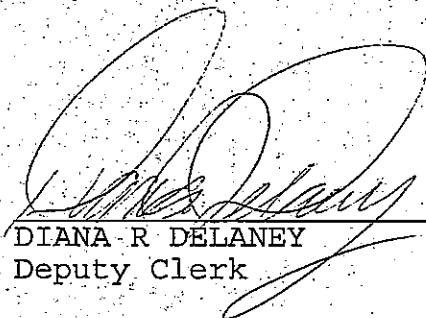
Water Right(s) : 85-00016
85-02049 85-02063 85-02065
85-02146 85-02147 85-04483
85-11087 85-15424

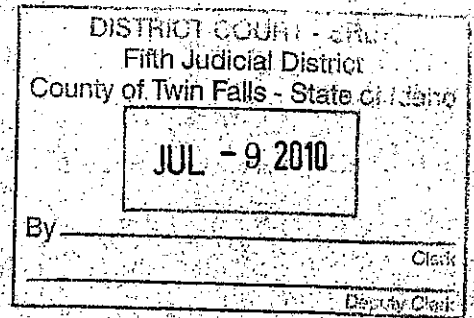
On July 09, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 09, 2010.


DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 85-00016
85-02049 85-02063 85-02065
85-02146 85-02147 85-04483
85-11087 85-15424

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 09, 2010, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NEZ PERCE TRIBE
Represented by:
DAVID J. CUMMINGS
NEZ PERCE TRIBAL EXEC COMM
100 AGENCY ROAD
PO BOX 305
LAPWAI, ID 83540
Phone: 208-843-7355

LEWISTON ORCHARDS IRR DIST
Represented by:
EARL LEON MCGEOGHEGAN
1301 G STREET
LEWISTON, ID 83501
Phone: 208-746-4333

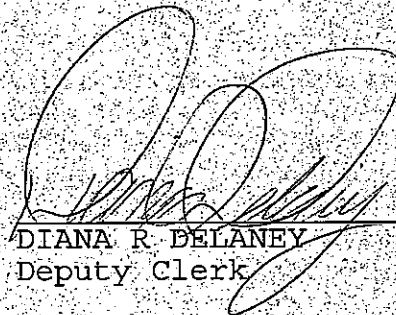
CERTIFICATE OF MAILING

PAGE 1
07/09/10

NEZ PERCE TRIBE
Represented by:
K. HEIDI GUDGELL
NEZ PERCE TRIBAL EXEC COMM
100 AGENCY ROAD
PO BOX 305
LAPWAI, ID 83540
Phone: 208-843-7355

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

LEWISTON ORCHARDS IRR DIST
1520 POWERS AVE
LEWISTON, ID 83501



DIANA R. DELANEY
Deputy Clerk