

**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)	Consolidated Subcase 03-10022
)	(Nez Perce Tribe Instream Flow Claims)
)	
Case No. 39576)	JUDGMENT GRANTING MOTIONS
)	FOR SUMMARY JUDGMENT
)	I.R.C.P. 58(a)
)	

On November 10, 1999, this Court entered its order on the following four (4) matters:

- 1. ORDER ON MOTION TO STRIKE TESTIMONY OF DENNIS C. COLSON**
- 2. ORDER ON UNITED STATE'S AND NEZ PERCE TRIBE'S JOINT MOTION TO SUPPLEMENT THE RECORD IN RESPONSE TO THE OBJECTORS' MOTIONS FOR SUMMARY JUDGEMENT, I.R.C.P. 56(F)**
- 3. ORDER ON MOTION TO STRIKE EXHIBIT TRANSCRIPTION OF LETTER FROM GENERAL PALMER TO GEORGE MANYPENNY, COMMISSIONER OF INDIAN AFFAIRS**
- 4. ORDER ON MOTIONS FOR SUMMARY JUDGMENT OF THE STATE OF IDAHO, IDAHO POWER, POTLATCH CORPORATION, IRRIGATION DISTRICTS, AND OTHER OBJECTORS¹ WHO HAVE JOINED AND/OR SUPPORTED THE VARIOUS MOTIONS**

¹ There are a large number of Idaho cities (61), entities, and/or individuals who have joined and/or supported the various motions for summary judgment and/or motions to strike. Because their individual identities are not relevant to these orders, they are not separately listed here.

In that Order, the Court granted the motions for Summary Judgment of the State of Idaho, Idaho Power, Potlatch Corporation, Irrigation Districts and other Objectors who had joined and/or supported the various motions.

In accordance therewith, and in accordance with I.R.C.P. 58(a), this judgment grants those motions for summary judgment, limited in scope to the rulings contained in the Order of November 10, 1999: Specifically as deciding that the Nez Perce Tribe, and/or the United States of America on behalf of the Tribe as Trustee, are not entitled to an off-reservation instream flow water right as claimed.

The Court also makes an express determination that there is no just reason for delay for the entry of this judgment in accordance with the order referenced above and, therefore, directs entry of this judgment.

IT IS SO ORDERED:

DATED November _____, 1999.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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.

Dated this _____ day of November, 1999.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication