

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

In Re CSRBA ) PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
 Case No. 49576 ) FOR FEDERAL RESERVED  
 \_\_\_\_\_ ) WATER RIGHT NO. 91-07980A

**NAME AND ADDRESS:** UNITED STATES OF AMERICA ACTING THROUGH  
 USDA FOREST SERVICE  
 550 W FORT ST MSC 033  
 BOISE ID 83724

**SOURCE:** See Attachment 1, Column A TRIBUTARY: See Attachment 1, Column B

Sources are located on National Forest System Land in the Lower Slate Creek subwatershed (HUC12 170103040402).

**QUANTITY:** 1.000 CFS  
 23.70 AFY

The quantity under this water right is limited to up to 23.700 acre feet per year, with a diversion rate never to exceed the lesser of 1.00 CFS or twenty-five (25) percent of the rate of flow then available at each point of diversion and, cumulatively, no more than twenty-five (25) percent at the furthest downstream point of diversion in use under water right nos. 91-07963A through 91-07994D.

See Attachment 2.

Right nos. 91-07980A, 91-07980B, 91-07980C, 91-07980D, 91-07980E and 91-07980F are limited to a total combined annual diversion volume of 23.700 acre feet.

**PRIORITY DATE:** 11/06/1906

**POINT OF DIVERSION:** See Attachment 1, Columns C through G

<b>PURPOSE AND PERIOD OF USE:</b>	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	ADMINISTRATIVE	01/01 - 12/31	1.000 CFS 23.70 AFY

Administrative use is for National Forest Administration.

The purpose of use includes, road construction, dust abatement, prescribed fire, vegetation establishment, maintaining riding and pack stock used for administrative purposes, and any other similar incidental administrative uses necessary to fulfill the purposes of the Organic Administration Act of 1897.

**PLACE OF USE:** National Forest System Land in the Lower Slate Creek subwatershed (HUC12 170103040402), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Upper Slate Creek subwatershed (HUC12 170103040401) and Flemming Creek-St Joe River subwatershed (HUC12 170103040601).

See Attachment 3.

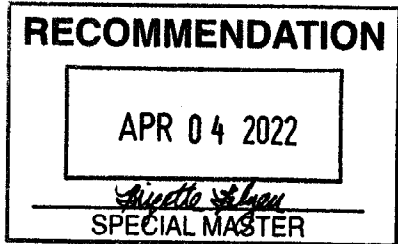
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is limited to the intermittent diversion and use of water for the stated purposes. This water right shall not be used as a basis to prevent the future appropriation of water or the basis to request or initiate a delivery call or otherwise have the Idaho Department of Water Resources, a Water District or a Court curtail or limit distribution in whole or in part, to existing legal uses of water to satisfy this water right. This provision shall not be construed as a basis to curtail the United States' use of water under this right to satisfy junior water rights.

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 entry of a final unified decree. Idaho Code § 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above partial judgment 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 partial judgment is 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  
Coeur d'Alene-Spokane River Adjudication

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
002	Unnamed Stream	Prospect Creek	46N	04E	04		
003	Unnamed Stream	West Fork Slate Creek	46N	04E	08		
004	West Fork Slate Creek	Slate Creek	46N	04E	08		
005	Fume Creek	Slate Creek	46N	04E	10		
006	Prospect Creek	Slate Creek	46N	04E	10		
007	Unnamed Stream	Prospect Creek	46N	04E	10		
008	Unnamed Stream	Prospect Creek	46N	04E	10		
009	Unnamed Stream	Prospect Creek	46N	04E	10		
010	Unnamed Stream	Prospect Creek	46N	04E	10		
011	Unnamed Stream	Prospect Creek	46N	04E	10		
012	Unnamed Stream	Prospect Creek	46N	04E	10		
013	Prospect Creek	Slate Creek	46N	04E	11	SWSE	
014	Unnamed Stream	Prospect Creek	46N	04E	11	SWSE	
015	Slate Creek	St Joe River	46N	04E	12		
016	Slate Creek	St Joe River	46N	04E	13	NWNW	
017	Fume Creek	Slate Creek	46N	04E	14		
018	Prospect Creek	Slate Creek	46N	04E	14		
019	Slate Creek	St Joe River	46N	04E	14		
020	Unnamed Stream	Prospect Creek	46N	04E	14		
021	Unnamed Stream	Slate Creek	46N	04E	14		
022	Unnamed Stream	Slate Creek	46N	04E	14		
023	Unnamed Stream	Slate Creek	46N	04E	14		
024	Unnamed Stream	Slate Creek	46N	04E	14		
025	Marion Creek	Slate Creek	46N	04E	16		
026	Unnamed Stream	Marion Creek	46N	04E	16		
027	Unnamed Stream	Marion Creek	46N	04E	16		
028	Unnamed Stream	Marion Creek	46N	04E	16		
029	Unnamed Stream	West Fork Slate Creek	46N	04E	16		
030	Unnamed Stream	West Fork Slate Creek	46N	04E	16		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
031	Unnamed Stream	West Fork Slate Creek	46N	04E	16		
032	West Fork Slate Creek	Slate Creek	46N	04E	16		
033	Unnamed Stream	West Fork Slate Creek	46N	04E	20	NENE	
034	Unnamed Stream	West Fork Slate Creek	46N	04E	20	NWNE	
035	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SENE	
036	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SENE	
037	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SWNE	
038	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SWNE	
039	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SWSW	
040	Marion Creek	Slate Creek	46N	04E	22		
041	Slate Creek	St Joe River	46N	04E	22		
042	Unnamed Stream	Marion Creek	46N	04E	22		
043	Unnamed Stream	Slate Creek	46N	04E	22		
044	Lumberjack Creek	Slate Creek	46N	04E	24		
045	Unnamed Stream	Lumberjack Creek	46N	04E	24		
046	Unnamed Stream	Lumberjack Creek	46N	04E	24		
047	Unnamed Stream	Lumberjack Creek	46N	04E	24		
048	Unnamed Stream	Slate Creek	46N	04E	24		
049	Unnamed Stream	Slate Creek	46N	04E	24		
050	Unnamed Stream	Slate Creek	46N	04E	24		
051	Unnamed Stream	Slate Creek	46N	04E	24		
052	Fritz Creek	Slate Creek	46N	04E	26		
053	Lumberjack Creek	Slate Creek	46N	04E	26		
054	Unnamed Stream	Fritz Creek	46N	04E	26		
055	Unnamed Stream	Fritz Creek	46N	04E	26		
056	Unnamed Stream	Lumberjack Creek	46N	04E	26		
057	Unnamed Stream	Slate Creek	46N	04E	26		
058	Slate Creek	St Joe River	46N	04E	27	NESE	
059	Unnamed Stream	Slate Creek	46N	04E	27	NESE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Slate Creek	St Joe River	46N	04E	27	NWSE	
061	Fritz Creek	Slate Creek	46N	04E	27	SESE	
062	Slate Creek	St Joe River	46N	04E	27	SESE	
063	Slate Creek	St Joe River	46N	04E	27	SWSE	
064	Unnamed Stream	Slate Creek	46N	04E	27	SWSE	
065	Unnamed Stream	Slate Creek	46N	04E	28	NWSE	
066	Unnamed Stream	Slate Creek	46N	04E	28	SESE	
067	Unnamed Stream	Slate Creek	46N	04E	28	SESE	
068	Unnamed Stream	Slate Creek	46N	04E	28	SESE	
069	Unnamed Stream	Slate Creek	46N	04E	28	SWSE	
070	Unnamed Stream	West Fork Slate Creek	46N	04E	28	SWSW	
071	Unnamed Stream	West Fork Slate Creek	46N	04E	30		
072	Unnamed Stream	West Fork Slate Creek	46N	04E	32	NENE	
073	West Fork Slate Creek	Slate Creek	46N	04E	32	NENE	
074	West Fork Slate Creek	Slate Creek	46N	04E	32	NESE	
075	West Fork Slate Creek	Slate Creek	46N	04E	32	SENE	
076	Slate Creek	St Joe River	46N	04E	34		
077	Uhlman Creek	Slate Creek	46N	04E	34		
078	Unnamed Stream	Slate Creek	46N	04E	34		
079	Unnamed Stream	Slate Creek	46N	04E	34		
080	Unnamed Stream	Slate Creek	46N	04E	34		
081	Unnamed Stream	Slate Creek	46N	04E	34		
082	Unnamed Stream	Slate Creek	46N	04E	34		
083	Unnamed Stream	Slate Creek	46N	04E	34		
084	Unnamed Stream	Slate Creek	46N	04E	34		
085	Unnamed Stream	Slate Creek	46N	04E	34		

Attachment 2

91-07963	A	91-07981	D	91-07985	K	91-07993	E
91-07963	B	91-07981	E	91-07985	L	91-07993	F
91-07964		91-07981	F	91-07985	M	91-07993	G
91-07965	A	91-07981	G	91-07986	A	91-07994	A
91-07965	B	91-07981	H	91-07986	B	91-07994	B
91-07966		91-07981	I	91-07986	C	91-07994	C
91-07967	A	91-07981	J	91-07986	D	91-07994	D
91-07967	B	91-07981	K	91-07986	E		
91-07967	C	91-07981	L	91-07986	F		
91-07968	A	91-07981	M	91-07986	G		
91-07968	B	91-07981	N	91-07987	A		
91-07968	C	91-07981	O	91-07987	B		
91-07968	D	91-07981	P	91-07987	C		
91-07969	A	91-07981	Q	91-07987	D		
91-07969	B	91-07982	A	91-07987	E		
91-07969	C	91-07982	B	91-07987	F		
91-07969	D	91-07982	C	91-07987	G		
91-07969	E	91-07982	D	91-07987	H		
91-07970	A	91-07982	E	91-07987	I		
91-07970	B	91-07982	F	91-07987	J		
91-07970	C	91-07982	G	91-07987	K		
91-07970	D	91-07982	H	91-07987	L		
91-07971		91-07982	I	91-07987	M		
91-07972		91-07982	J	91-07987	N		
91-07973		91-07983	A	91-07987	O		
91-07974	A	91-07983	B	91-07987	P		
91-07974	B	91-07983	C	91-07987	Q		
91-07975	A	91-07983	D	91-07987	R		
91-07975	B	91-07983	E	91-07987	S		
91-07976		91-07983	F	91-07987	T		
91-07977	A	91-07983	G	91-07988	A		
91-07977	B	91-07983	H	91-07988	B		
91-07978	A	91-07983	I	91-07988	C		
91-07978	B	91-07983	J	91-07988	D		
91-07978	C	91-07983	K	91-07988	E		
91-07978	D	91-07983	L	91-07988	F		
91-07979	A	91-07983	M	91-07988	G		
91-07979	B	91-07984	A	91-07989			
91-07979	C	91-07984	B	91-07990	A		
91-07979	D	91-07984	C	91-07990	B		
91-07979	E	91-07985	A	91-07990	C		
91-07980	A	91-07985	B	91-07991	A		
91-07980	B	91-07985	C	91-07991	B		
91-07980	C	91-07985	D	91-07991	C		
91-07980	D	91-07985	E	91-07992	A		
91-07980	E	91-07985	F	91-07992	B		
91-07980	F	91-07985	G	91-07993	A		
91-07981	A	91-07985	H	91-07993	B		
91-07981	B	91-07985	I	91-07993	C		
91-07981	C	91-07985	J	91-07993	D		

Attachment 3

