

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. 91-07983C

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 Middle Marble Creek subwatershed (HUC12 170103040503).

QUANTITY: 1.000 CFS
23.50 AFY

The quantity under this water right is limited to up to 23.500 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. 91-07983A, 91-07983B, 91-07983C, 91-07983D, 91-07983E, 91-07983F, 91-07983G, 91-07983H, 91-07983I, 91-07983J, 91-07983K, 91-07983L and 91-07983M are limited to a total combined annual diversion volume of 23.500 acre feet.

PRIORITY DATE: 05/16/1932

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

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	ADMINISTRATIVE	01/01 - 12/31	1.000 CFS 23.50 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 Middle Marble Creek subwatershed (HUC12 170103040503), Bussel Creek subwatershed (HUC12 170103040502), Mica Creek subwatershed (HUC12 170103040604), Lower Marble Creek subwatershed (HUC12 170103040505), Upper Marble Creek subwatershed (HUC12 170103040501), Merry Creek-Middle Fork St. Maries River subwatershed (HUC12 170103040702) and Middle Fork St. Maries River subwatershed (HUC12 170103040701).

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	Marble Creek	44N	03E	16	SWSW	
003	Unnamed Stream	Marble Creek	44N	03E	16	SWSW	
004	Unnamed Stream	Marble Creek	44N	03E	16	SWSW	
005	Eagle Creek	Marble Creek	44N	03E	17	NWNW	
006	Marble Creek	St. Joe River	44N	03E	17	NWSE	
007	Unnamed Stream	Marble Creek	44N	03E	17	NWSE	
008	Eagle Creek	Marble Creek	44N	03E	17	SENE	
009	Unnamed Stream	Marble Creek	44N	03E	17	SESE	
010	Eagle Creek	Marble Creek	44N	03E	17	SWNE	
011	Marble Creek	St. Joe River	44N	03E	17	SWNE	
012	Eagle Creek	Marble Creek	44N	03E	17	SWNW	
013	Marble Creek	St. Joe River	44N	03E	17	SWSE	
014	Shearer Creek	Marble Creek	44N	03E	17	SWSE	
015	Eagle Creek	Marble Creek	44N	03E	18		
016	Grouse Creek	Eagle Creek	44N	03E	18		
017	Unnamed Stream	Eagle Creek	44N	03E	18		
018	Unnamed Stream	Eagle Creek	44N	03E	18		
019	Unnamed Stream	Eagle Creek	44N	03E	18		
020	Unnamed Stream	Eagle Creek	44N	03E	18		
021	Unnamed Stream	Eagle Creek	44N	03E	18		
022	Unnamed Stream	Eagle Creek	44N	03E	18		
023	Unnamed Stream	Eagle Creek	44N	03E	18		
024	Unnamed Stream	Eagle Creek	44N	03E	18		
025	Unnamed Stream	Marble Creek	44N	03E	19		
026	Shearer Creek	Marble Creek	44N	03E	20	NENE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
027	Unnamed Stream	Shearer Creek	44N	03E	20	NENE	
028	Bussel Creek	Marble Creek	44N	03E	20	NESW	
029	Marble Creek	St. Joe River	44N	03E	20	NESW	
030	Marble Creek	St. Joe River	44N	03E	20	NWNE	
031	Marble Creek	St. Joe River	44N	03E	20	NWNE	
032	Shearer Creek	Marble Creek	44N	03E	20	NWNE	
033	Shearer Creek	Marble Creek	44N	03E	20	SENE	
034	Marble Creek	St. Joe River	44N	03E	20	SESW	
035	Unnamed Stream	Marble Creek	44N	03E	20	SESW	
036	Unnamed Stream	Marble Creek	44N	03E	20	SESE	
037	Marble Creek	St. Joe River	44N	03E	20	SESW	
038	Unnamed Stream	Marble Creek	44N	03E	20	SWNW	
039	Marble Creek	St. Joe River	44N	03E	20	SWSE	
040	Shearer Creek	Marble Creek	44N	03E	21		
041	Unnamed Stream	Marble Creek	44N	03E	21		
042	Unnamed Stream	Marble Creek	44N	03E	21		
043	Unnamed Stream	Shearer Creek	44N	03E	21		
044	Unnamed Stream	Shearer Creek	44N	03E	21		
045	Shearer Creek	Marble Creek	44N	03E	22	NWSW	
046	Davies Creek	Marble Creek	44N	03E	27	NESW	
047	Unnamed Stream	Davies Creek	44N	03E	27	NESW	
048	Unnamed Stream	Davies Creek	44N	03E	27	NWSW	
049	Unnamed Stream	Marble Creek	44N	03E	27	NWSW	
050	Davies Creek	Marble Creek	44N	03E	27	SESW	
051	Davies Creek	Marble Creek	44N	03E	27	SWSW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
052	Unnamed Stream	Davies Creek	44N	03E	27	SWSW	
053	Unnamed Stream	Marble Creek	44N	03E	27	SWSW	
054	Marble Creek	St. Joe River	44N	03E	28		
055	Unnamed Stream	Marble Creek	44N	03E	28		
056	Unnamed Stream	Marble Creek	44N	03E	28		
057	Unnamed Stream	Marble Creek	44N	03E	28		
058	Unnamed Stream	Marble Creek	44N	03E	28		
059	Cranberry Creek	Marble Creek	44N	03E	31	NWSE	
060	Unnamed Stream	Cranberry Creek	44N	03E	31	NWSE	
061	Cranberry Creek	Marble Creek	44N	03E	31	SENE	
062	Unnamed Stream	Cranberry Creek	44N	03E	31	SENE	
063	Unnamed Stream	Cranberry Creek	44N	03E	31	SESE	
064	Cranberry Creek	Marble Creek	44N	03E	31	SWSE	
065	Unnamed Stream	Cranberry Creek	44N	03E	31	SWSE	
066	Unnamed Stream	Cranberry Creek	44N	03E	31	SWSE	
067	Unnamed Stream	Cranberry Creek	44N	03E	32	NENE	
068	Unnamed Stream	Cranberry Creek	44N	03E	32	NESW	
069	Cranberry Creek	Marble Creek	44N	03E	32	NWNW	
070	Unnamed Stream	Cranberry Creek	44N	03E	32	NWSW	
071	Unnamed Stream	Cranberry Creek	44N	03E	32	SENE	
072	Unnamed Stream	Cranberry Creek	44N	03E	32	SENW	
073	Unnamed Stream	Cranberry Creek	44N	03E	32	SWNE	
074	Unnamed Stream	Cranberry Creek	44N	03E	32	SWNW	
075	Unnamed Stream	Cranberry Creek	44N	03E	32	SWSW	
076	Davies Creek	Marble Creek	44N	03E	33	NENE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
077	Marble Creek	St. Joe River	44N	03E	33	NESE	
078	Davies Creek	Marble Creek	44N	03E	33	NWNE	
079	Marble Creek	St. Joe River	44N	03E	33	NWNE	
080	Unnamed Stream	Marble Creek	44N	03E	33	NWNE	
081	Unnamed Stream	Marble Creek	44N	03E	33	NWNE	
082	Hobo Creek	Marble Creek	44N	03E	33	NWSE	
083	Hobo Creek	Marble Creek	44N	03E	33	SENE	
084	Marble Creek	St. Joe River	44N	03E	33	SENE	
085	Unnamed Stream	Marble Creek	44N	03E	33	SESE	
086	Hobo Creek	Marble Creek	44N	03E	33	SWNE	
087	Marble Creek	St. Joe River	44N	03E	33	SWNE	
088	Hobo Creek	Marble Creek	44N	03E	33	SWSE	
089	Unnamed Stream	Hobo Creek	44N	03E	33	SWSE	
090	Davies Creek	Marble Creek	44N	03E	34		
091	Marble Creek	St. Joe River	44N	03E	34		
092	Unnamed Stream	Marble Creek	44N	03E	34		
093	Unnamed Stream	Marble Creek	44N	03E	34		
094	Unnamed Stream	Marble Creek	44N	03E	34		
095	Unnamed Stream	Marble Creek	44N	03E	34		
096	Unnamed Stream	Marble Creek	44N	03E	34		
097	Unnamed Pond	Cranberry Creek	44N	03E	32		

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		

