

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. 91-07968A

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 Loop Creek subwatershed (HUC12 170103040201).

QUANTITY: 1.000 CFS
39.60 AFY

The quantity under this water right is limited to up to 39.600 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. 91-07968A, 91-07968B, 91-07968C, and 91-07968D are limited to a total combined annual diversion volume of 39.60 acre feet.

PRIORITY DATE: 11/06/1906

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 39.60 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 Loop Creek subwatershed (170103040201), Upper North Fork St Joe River subwatershed (HUC12 170103040202), Lower North Fork St Joe River subwatershed (HUC12 170103040203), Siwash Creek-St Joe River subwatershed (HUC12 170103040308), Eagle Creek-St Joe River subwatershed (HUC12 170103040305), Headwaters Saint Regis River subwatershed (HUC12 170102040701), Upper Saint Regis River subwatershed (HUC12 170102040703), and Big Creek subwatershed (HUC12 170102040704).

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	Brushy Creek	Loop Creek	46N	06E	01		
003	Unnamed Stream	Brushy Creek	46N	06E	01		
004	Unnamed Stream	Loop Creek	46N	06E	01		
005	Cliff Creek	Loop Creek	46N	06E	02		
006	Moss Creek	Loop Creek	46N	06E	02		
007	Unnamed Stream	Loop Creek	46N	06E	02		
008	Cliff Creek	Loop Creek	46N	06E	03		
009	Loop Creek	North Fork St Joe River	46N	06E	03		
010	Unnamed Stream	Loop Creek	46N	06E	03		
011	Unnamed Stream	Loop Creek	46N	06E	03		
012	Frazier Creek	Loop Creek	46N	06E	04		
013	Loop Creek	North Fork St Joe River	46N	06E	04		
014	Unnamed Stream	Cliff Creek	46N	06E	04		
015	Unnamed Stream	Loop Creek	46N	06E	04		
016	Unnamed Stream	Loop Creek	46N	06E	04		
017	Loop Creek	North Fork St Joe River	46N	06E	05		
018	Loop Creek	North Fork St Joe River	46N	06E	08		
019	Cliff Creek	Loop Creek	46N	06E	10		
020	Loop Creek	North Fork St Joe River	46N	06E	10		
021	Unnamed Stream	Loop Creek	46N	06E	10		
022	Unnamed Stream	Loop Creek	46N	06E	10		
023	Unnamed Stream	Loop Creek	46N	06E	10		
024	Clear Creek	Loop Creek	46N	06E	11		
025	Loop Creek	North Fork St Joe River	46N	06E	11		
026	Moss Creek	Loop Creek	46N	06E	11		
027	Unnamed Stream	Loop Creek	46N	06E	11		
028	Unnamed Stream	Loop Creek	46N	06E	11		
029	Bear Creek	Loop Creek	46N	06E	12		
030	Brushy Creek	Loop Creek	46N	06E	12		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
031	Loop Creek	North Fork St Joe River	46N	06E	12		
032	Unnamed Stream	Loop Creek	46N	06E	12		
033	Clear Creek	Loop Creek	46N	06E	14		
034	Clear Creek	Loop Creek	46N	06E	22		
035	Unnamed Stream	Clear Creek	46N	06E	22		
036	Unnamed Stream	Clear Creek	46N	06E	22		
037	Turkey Creek	Loop Creek	46N	06E	24		
038	Unnamed Stream	Bear Creek	46N	06E	24		
039	Unnamed Stream	Turkey Creek	46N	06E	24		
040	Unnamed Stream	Turkey Creek	46N	06E	24		
041	Unnamed Stream	Turkey Creek	46N	06E	24		
042	Unnamed Stream	Turkey Creek	46N	06E	24		
043	Unnamed Stream	Turkey Creek	46N	06E	24		
044	Unnamed Stream	Turkey Creek	46N	06E	24		
045	Unnamed Stream	Turkey Creek	46N	06E	24		
046	Unnamed Stream	Turkey Creek	46N	06E	26		
047	Ward Creek	Loop Creek	46N	06E	26		
048	Manhattan Creek	Loop Creek	46N	07E	04		
049	Manhattan Creek	Loop Creek	46N	07E	05		
050	Unnamed Stream	Kelly Creek	46N	07E	05		
051	Unnamed Stream	Manhattan Creek	46N	07E	05		
052	Kelly Creek	Loop Creek	46N	07E	06		
053	Unnamed Stream	Kelly Creek	46N	07E	06		
054	Unnamed Stream	Kelly Creek	46N	07E	06		
055	Unnamed Stream	Loop Creek	46N	07E	06		
056	Kelly Creek	Loop Creek	46N	07E	07		
057	Loop Creek	North Fork St Joe River	46N	07E	07		
058	Manhattan Creek	Loop Creek	46N	07E	07		
059	Unnamed Stream	Manhattan Creek	46N	07E	08	NENE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Manhattan Creek	Loop Creek	46N	07E	08	NENW	
061	Manhattan Creek	Loop Creek	46N	07E	08	NESW	
062	Manhattan Creek	Loop Creek	46N	07E	08	NWNE	
063	Manhattan Creek	Loop Creek	46N	07E	08	NWSW	
064	Unnamed Stream	Manhattan Creek	46N	07E	08	SENE	
065	Manhattan Creek	Loop Creek	46N	07E	08	SENE	
066	Unnamed Stream	Manhattan Creek	46N	07E	08	SENE	
067	Mineral Creek	Loop Creek	46N	07E	08	SESE	L 6
068	Unnamed Stream	Manhattan Creek	46N	07E	08	SESE	L 4
069	Unnamed Stream	Manhattan Creek	46N	07E	08	SWNE	
070	Manhattan Creek	Loop Creek	46N	07E	08	SWSW	L 3
071	Unnamed Stream	Manhattan Creek	46N	07E	08	SWSW	L 3
072	Mineral Creek	Loop Creek	46N	07E	09	NWSW	L 7
073	Mineral Creek	Loop Creek	46N	07E	09	SENE	L 3
074	Olentange Creek	Loop Creek	46N	07E	09	SESE	L 11
075	Olentange Creek	Loop Creek	46N	07E	09	SESE	L 12
076	Mineral Creek	Loop Creek	46N	07E	09	SWNW	L 3
077	Mineral Creek	Loop Creek	46N	07E	09	SWSW	L 8
078	Olentange Creek	Loop Creek	46N	07E	10		
079	Olentange Creek	Loop Creek	46N	07E	15	NENW	L 2
080	Unnamed Stream	Olentange Creek	46N	07E	15	NENW	L 2
081	Olentange Creek	Loop Creek	46N	07E	15	NWNE	L 1
082	Olentange Creek	Loop Creek	46N	07E	15	NWNW	L 3
083	Unnamed Stream	Olentange Creek	46N	07E	15	NWNW	L 3
084	Allen Creek	Loop Creek	46N	07E	15	SESE	
085	Olentange Creek	Loop Creek	46N	07E	16	NESW	L 10
086	Olentange Creek	Loop Creek	46N	07E	16	NESW	MS 2705
087	Olentange Creek	Loop Creek	46N	07E	16	NWNE	L 2
088	Olentange Creek	Loop Creek	46N	07E	16	SENE	L 6

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
089	Wendle Creek	Loop Creek	46N	07E	16	SESE	
090	Olentange Creek	Loop Creek	46N	07E	16	SESW	L 12
091	Olentange Creek	Loop Creek	46N	07E	16	SWNE	L 7
092	Unnamed Stream	Olentange Creek	46N	07E	16	SWNE	L 7
093	Wendle Creek	Loop Creek	46N	07E	16	SWSE	
094	Loop Creek	North Fork St Joe River	46N	07E	17		
095	Mineral Creek	Loop Creek	46N	07E	17		
096	Loop Creek	North Fork St Joe River	46N	07E	18		
097	Manhattan Creek	Loop Creek	46N	07E	18		
098	Turkey Creek	Loop Creek	46N	07E	18		
099	Unnamed Stream	Turkey Creek	46N	07E	18		
100	Unnamed Stream	Turkey Creek	46N	07E	18		
101	Unnamed Stream	Turkey Creek	46N	07E	19		
102	Unnamed Stream	Turkey Creek	46N	07E	19		
103	Unnamed Stream	Turkey Creek	46N	07E	19		
104	Loop Creek	North Fork St Joe River	46N	07E	20		
105	Olentange Creek	Loop Creek	46N	07E	20		
106	Unnamed Stream	Turkey Creek	46N	07E	20		
107	Ward Creek	Loop Creek	46N	07E	20		
108	Wendle Creek	Loop Creek	46N	07E	21	NENW	L 1
109	Wendle Creek	Loop Creek	46N	07E	21	NWNE	
110	Olentange Creek	Loop Creek	46N	07E	21	NWNW	L 2
111	Wendle Creek	Loop Creek	46N	07E	21	NWSE	
112	Wendle Creek	Loop Creek	46N	07E	21	SESW	
113	Allen Creek	Loop Creek	46N	07E	21	SESE	
114	Loop Creek	North Fork St Joe River	46N	07E	21	SESE	
115	Loop Creek	North Fork St Joe River	46N	07E	21	SESW	
116	Wendle Creek	Loop Creek	46N	07E	21	SESW	
117	Unnamed Stream	Wendle Creek	46N	07E	21	SWNE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
118	Wendle Creek	Loop Creek	46N	07E	21	SWNE	
119	Loop Creek	North Fork St Joe River	46N	07E	21	SWSE	
120	Wendle Creek	Loop Creek	46N	07E	21	SWSE	
121	Loop Creek	North Fork St Joe River	46N	07E	21	SWSW	
122	Allen Creek	Loop Creek	46N	07E	22		
123	Unnamed Stream	Allen Creek	46N	07E	22		
124	Loop Creek	North Fork St Joe River	46N	07E	26		
125	Unnamed Stream	Loop Creek	46N	07E	26		
126	Unnamed Stream	Loop Creek	46N	07E	26		
127	Loop Creek	North Fork St Joe River	46N	07E	27		
128	Loop Creek	North Fork St Joe River	46N	07E	28		
129	Ward Creek	Loop Creek	46N	07E	29		
130	Ward Creek	Loop Creek	46N	07E	30		
131	Unnamed Stream	Cliff Creek	47N	06E	23		
132	Cliff Creek	Loop Creek	47N	06E	26		
133	Unnamed Stream	Cliff Creek	47N	06E	26		
134	Cliff Creek	Loop Creek	47N	06E	27		
135	Frazier Creek	Loop Creek	47N	06E	27		
136	Frazier Creek	Loop Creek	47N	06E	33		
137	Unnamed Stream	Cliff Creek	47N	06E	33		
138	Frazier Creek	Loop Creek	47N	06E	34		
139	Unnamed Stream	Cliff Creek	47N	06E	34		
140	Cliff Creek	Loop Creek	47N	06E	35		
141	Brushy Creek	Loop Creek	47N	06E	36		
142	Kelly Creek	Loop Creek	47N	07E	31		
143	Unnamed Stream	Kelly Creek	47N	07E	31		
144	Unnamed Stream	Kelly Creek	47N	07E	32		
145	Unnamed Pond	Loop Creek	46N	06E	05		
146	Unnamed Pond	Clear Creek	46N	06E	14		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
147	Unnamed Pond	Sink	46N	06E	14		
148	Unnamed Pond	Clear Creek	46N	06E	22		
149	Unnamed Pond	Sink	46N	07E	26		

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		

