

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. 91-07970A

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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 North Fork-St Joe River subwatershed (HUC12 170103040203).

QUANTITY: 1.000 CFS  
37.10 AFY

The quantity under this water right is limited to up to 37.100 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. 91-07970A, 91-07970B, 91-07970C and 91-07970D are limited to a total combined annual diversion volume of 37.100 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 37.10 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 North Fork St Joe River subwatershed (HUC12 170103040203), Upper North Fork St Joe River subwatershed (HUC12 170103040202), Upper Slate Creek subwatershed (HUC12 170103040401), Flemming Creek-St Joe River subwatershed (HUC12 170103040601) Siwash Creek-St Joe River subwatershed (HUC12 170103040308) and Loop Creek subwatershed (HUC12 170103040201).

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.

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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	Miller Creek	North Fork St Joe River	45N	05E	01		
003	Nelson Creek	North Fork St Joe River	45N	05E	01		
004	North Fork St Joe River	St Joe River	45N	05E	01		
005	Unnamed Stream	Nelson Creek	45N	05E	01		
006	Unnamed Stream	North Fork St Joe River	45N	05E	01		
007	Unnamed Stream	North Fork St Joe River	45N	05E	01		
008	Unnamed Stream	North Fork St Joe River	45N	05E	01		
009	Unnamed Stream	North Fork St Joe River	45N	05E	01		
010	Unnamed Stream	North Fork St Joe River	45N	05E	01		
011	Unnamed Stream	North Fork St Joe River	45N	05E	02		
012	Unnamed Stream	North Fork St Joe River	45N	05E	02		
013	Unnamed Stream	North Fork St Joe River	45N	05E	02		
014	Unnamed Stream	North Fork St Joe River	45N	05E	02		
015	Unnamed Stream	North Fork St Joe River	45N	05E	02		
016	Unnamed Stream	North Fork St Joe River	45N	05E	02		
017	Unnamed Stream	North Fork St Joe River	45N	05E	02		
018	Unnamed Stream	North Fork St Joe River	45N	05E	02		
019	Unnamed Stream	North Fork St Joe River	45N	05E	02		
020	Unnamed Stream	North Fork St Joe River	45N	05E	02		
021	Unnamed Stream	North Fork St Joe River	45N	05E	02		
022	North Fork St Joe River	St Joe River	45N	05E	10		
023	Unnamed Stream	North Fork St Joe River	45N	05E	10		
024	Nelson Creek	North Fork St Joe River	45N	05E	12		
025	North Fork St Joe River	St Joe River	45N	05E	12		
026	Unnamed Stream	Nelson Creek	45N	05E	12		
027	North Fork St Joe River	St Joe River	45N	05E	14		
028	Telichpah Creek	North Fork St Joe River	45N	06E	04		
029	Telichpah Creek	North Fork St Joe River	45N	06E	05	SENE	L 9
030	Unnamed Stream	Telichpah Creek	45N	06E	05	SENW	L 11
031	Miller Creek	North Fork St Joe River	45N	06E	06		
032	Nelson Creek	North Fork St Joe River	45N	06E	06		
033	Unnamed Stream	Miller Creek	45N	06E	06		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
034	Unnamed Stream	Nelson Creek	45N	06E	06		
035	Unnamed Stream	Kyle Creek	46N	05E	10		
036	Rye Creek	North Fork St Joe River	46N	05E	12		
037	Unnamed Stream	Rye Creek	46N	05E	12		
038	Kyle Creek	North Fork St Joe River	46N	05E	14		
039	Unnamed Stream	Kyle Creek	46N	05E	14		
040	Unnamed Stream	Kyle Creek	46N	05E	14		
041	Unnamed Stream	Kyle Creek	46N	05E	14		
042	Unnamed Stream	Kyle Creek	46N	05E	14		
043	Unnamed Stream	Kyle Creek	46N	05E	14		
044	Unnamed Stream	Kyle Creek	46N	05E	14		
045	Kyle Creek	North Fork St Joe River	46N	05E	16		
046	Unnamed Stream	Hammond Creek	46N	05E	22		
047	Unnamed Stream	Hammond Creek	46N	05E	22		
048	Kyle Creek	North Fork St Joe River	46N	05E	24		
049	North Fork St Joe River	St Joe River	46N	05E	24		
050	Unnamed Stream	Motor Creek	46N	05E	24		
051	Unnamed Stream	North Fork St Joe River	46N	05E	24		
052	Unnamed Stream	North Fork St Joe River	46N	05E	24		
053	Unnamed Stream	North Fork St Joe River	46N	05E	24		
054	Hammond Creek	North Fork St Joe River	46N	05E	26		
055	Unnamed Stream	Hammond Creek	46N	05E	26		
056	Unnamed Stream	Hammond Creek	46N	05E	26		
057	Unnamed Stream	Hammond Creek	46N	05E	26		
058	Unnamed Stream	Hammond Creek	46N	05E	26		
059	Unnamed Stream	Hammond Creek	46N	05E	26		
060	Unnamed Stream	Hammond Creek	46N	05E	26		
061	Unnamed Stream	Hammond Creek	46N	05E	26		
062	Unnamed Stream	Stetson Creek	46N	05E	26		
063	Hammond Creek	North Fork St Joe River	46N	05E	28		
064	Unnamed Stream	Hammond Creek	46N	05E	28		
065	Unnamed Stream	Hammond Creek	46N	05E	28		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
066	Unnamed Stream	Hammond Creek	46N	05E	28		
067	Unnamed Stream	Hammond Creek	46N	05E	28		
068	Unnamed Stream	Hammond Creek	46N	05E	28		
069	Stetson Creek	North Fork St Joe River	46N	05E	34		
070	Unnamed Stream	Hammond Creek	46N	05E	34		
071	Unnamed Stream	North Fork St Joe River	46N	05E	34		
072	Unnamed Stream	North Fork St Joe River	46N	05E	34		
073	Unnamed Stream	Stetson Creek	46N	05E	34		
074	North Fork St Joe River	St Joe River	46N	05E	36		
075	Stetson Creek	North Fork St Joe River	46N	05E	36		
076	Telichpah Creek	North Fork St Joe River	46N	05E	36		
077	Unnamed Stream	North Fork St Joe River	46N	05E	36		
078	Unnamed Stream	North Fork St Joe River	46N	05E	36		
079	Unnamed Stream	North Fork St Joe River	46N	05E	36		
080	Unnamed Stream	North Fork St Joe River	46N	05E	36		
081	Unnamed Stream	Telichpah Creek	46N	05E	36		
082	Long Liz Creek	North Fork St Joe River	46N	06E	08		
083	Unnamed Stream	Long Liz Creek	46N	06E	08		
084	Unnamed Stream	Long Liz Creek	46N	06E	08		
085	Unnamed Stream	Long Liz Creek	46N	06E	08		
086	Long Liz Creek	North Fork St Joe River	46N	06E	16		
087	Unnamed Stream	Big Dick Creek	46N	06E	16		
088	Unnamed Stream	Long Liz Creek	46N	06E	16		
089	Unnamed Stream	Long Liz Creek	46N	06E	16		
090	Unnamed Stream	Long Liz Creek	46N	06E	16		
091	Unnamed Stream	Long Liz Creek	46N	06E	16		
092	Big Dick Creek	North Fork St Joe River	46N	06E	18		
093	North Fork St Joe River	St Joe River	46N	06E	18		
094	Rye Creek	North Fork St Joe River	46N	06E	18		
095	Unnamed Stream	Big Dick Creek	46N	06E	18		
096	Unnamed Stream	North Fork St Joe River	46N	06E	18		
097	Big Dick Creek	North Fork St Joe River	46N	06E	20		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
098	Unnamed Stream	Big Dick Creek	46N	06E	20		
099	Unnamed Stream	Big Dick Creek	46N	06E	20		
100	Unnamed Stream	Big Dick Creek	46N	06E	20		
101	Unnamed Stream	Big Dick Creek	46N	06E	20		
102	Unnamed Stream	Big Dick Creek	46N	06E	20		
103	Unnamed Stream	Big Dick Creek	46N	06E	20		
104	Unnamed Stream	Big Dick Creek	46N	06E	20		
105	Unnamed Stream	Big Dick Creek	46N	06E	20		
106	Unnamed Stream	Big Dick Creek	46N	06E	20		
107	Unnamed Stream	Big Dick Creek	46N	06E	20		
108	Unnamed Stream	Big Dick Creek	46N	06E	20		
109	Unnamed Stream	North Fork St Joe River	46N	06E	20		
110	Unnamed Stream	Telichpah Creek	46N	06E	20		
111	Unnamed Stream	Telichpah Creek	46N	06E	28		
112	Unnamed Stream	Telichpah Creek	46N	06E	28		
113	Unnamed Stream	Telichpah Creek	46N	06E	28		
114	Motor Creek	North Fork St Joe River	46N	06E	30		
115	Unnamed Stream	Telichpah Creek	46N	06E	30		
116	Unnamed Stream	Telichpah Creek	46N	06E	30		
117	Unnamed Stream	Telichpah Creek	46N	06E	30		
118	Telichpah Creek	North Fork St Joe River	46N	06E	32		
119	Unnamed Stream	Telichpah Creek	46N	06E	32		
120	Unnamed Stream	Telichpah Creek	46N	06E	32		
121	Unnamed Stream	Telichpah Creek	46N	06E	32		
122	Unnamed Stream	Telichpah Creek	46N	06E	32		
123	Unnamed Stream	Telichpah Creek	46N	06E	32		
124	Unnamed Stream	Telichpah Creek	46N	06E	32		
125	Cedar Lake	Kyle Creek	46N	05E	16		
126	Unnamed Pond	Telichpah Creek	46N	06E	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		

