

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. 91-07972

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 Bluff Creek subwatershed (HUC12 170103040302).

QUANTITY: 1.000 CFS
12.60 AFY

The quantity under this water right is limited to up to 12.600 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.

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 12.60 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 Bluff Creek subwatershed (HUC12 170103040302), Sisters Creek subwatershed (HUC12 170103040306), Eagle Creek-St Joe River subwatershed (HUC12 170103040305), Bruin Creek-St Joe River subwatershed (HUC12 170103040304), Canyon Creek subwatershed (HUC12 170603080102) and Spotted Louis Creek-Little North Fork Clearwater River subwatershed (HUC12 170603080105).

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	West Fork Bluff Creek	43N	07E	06		
003	Unnamed Stream	West Fork Bluff Creek	44N	07E	10		
004	Unnamed Stream	West Fork Bluff Creek	44N	07E	11		
005	Unnamed Stream	West Fork Bluff Creek	44N	07E	11		
006	Unnamed Stream	West Fork Bluff Creek	44N	07E	11		
007	Unnamed Stream	Bluff Creek	44N	07E	12		
008	Unnamed Stream	West Fork Bluff Creek	44N	07E	12		
009	Unnamed Stream	West Fork Bluff Creek	44N	07E	12		
010	West Fork Bluff Creek	Bluff Creek	44N	07E	12		
011	Unnamed Stream	West Fork Bluff Creek	44N	07E	13		
012	Unnamed Stream	West Fork Bluff Creek	44N	07E	13		
013	Unnamed Stream	West Fork Bluff Creek	44N	07E	13		
014	Unnamed Stream	West Fork Bluff Creek	44N	07E	13		
015	Unnamed Stream	West Fork Bluff Creek	44N	07E	13		
016	West Fork Bluff Creek	Bluff Creek	44N	07E	13		
017	Unnamed Stream	West Fork Bluff Creek	44N	07E	14		
018	Unnamed Stream	West Fork Bluff Creek	44N	07E	14		
019	Unnamed Stream	West Fork Bluff Creek	44N	07E	14		
020	West Fork Bluff Creek	Bluff Creek	44N	07E	14		
021	Unnamed Stream	West Fork Bluff Creek	44N	07E	22		
022	Unnamed Stream	West Fork Bluff Creek	44N	07E	22		
023	Unnamed Stream	West Fork Bluff Creek	44N	07E	22		
024	Unnamed Stream	West Fork Bluff Creek	44N	07E	22		
025	Unnamed Stream	West Fork Bluff Creek	44N	07E	22		
026	West Fork Bluff Creek	Bluff Creek	44N	07E	22		
027	Unnamed Stream	West Fork Bluff Creek	44N	07E	28		
028	Unnamed Stream	West Fork Bluff Creek	44N	07E	28		
029	Unnamed Stream	West Fork Bluff Creek	44N	07E	28		
030	Unnamed Stream	West Fork Bluff Creek	44N	07E	28		

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 Bluff Creek	44N	07E	28		
032	Unnamed Stream	West Fork Bluff Creek	44N	07E	28		
033	West Fork Bluff Creek	Bluff Creek	44N	07E	28		
034	Whistling Creek	West Fork Bluff Creek	44N	07E	28		
035	Unnamed Stream	West Fork Bluff Creek	44N	07E	30		
036	Unnamed Stream	West Fork Bluff Creek	44N	07E	30		
037	Unnamed Stream	Whistling Creek	44N	07E	30		
038	Unnamed Stream	West Fork Bluff Creek	44N	07E	32		
039	Unnamed Stream	West Fork Bluff Creek	44N	07E	32		
040	Unnamed Stream	West Fork Bluff Creek	44N	07E	32		
041	Unnamed Stream	West Fork Bluff Creek	44N	07E	32		
042	Unnamed Stream	West Fork Bluff Creek	44N	07E	32		
043	Unnamed Stream	West Fork Bluff Creek	44N	07E	32		
044	Unnamed Stream	West Fork Bluff Creek	44N	07E	32		
045	West Fork Bluff Creek	Bluff Creek	44N	07E	32		
046	Bluff Creek	St Joe River	44N	08E	05		
047	Unnamed Stream	Bluff Creek	44N	08E	05		
048	Bluff Creek	St Joe River	44N	08E	06		
049	Unnamed Stream	Bluff Creek	44N	08E	06		
050	Unnamed Stream	Bluff Creek	44N	08E	06		
051	Unnamed Stream	Bluff Creek	44N	08E	06		
052	Bluff Creek	St Joe River	44N	08E	07		
053	East Fork Bluff Creek	Bluff Creek	44N	08E	07		
054	Unnamed Stream	Bluff Creek	44N	08E	07		
055	Unnamed Stream	Bluff Creek	44N	08E	07		
056	Unnamed Stream	Bluff Creek	44N	08E	07		
057	Unnamed Stream	Bluff Creek	44N	08E	07		
058	Unnamed Stream	Bluff Creek	44N	08E	07		
059	Unnamed Stream	Bluff Creek	44N	08E	07		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Unnamed Stream	Bluff Creek	44N	08E	07		
061	West Fork Bluff Creek	Bluff Creek	44N	08E	07		
062	Unnamed Stream	Bluff Creek	44N	08E	08		
063	Unnamed Stream	East Fork Bluff Creek	44N	08E	17		
064	Unnamed Stream	East Fork Bluff Creek	44N	08E	17		
065	East Fork Bluff Creek	Bluff Creek	44N	08E	18		
066	Unnamed Stream	East Fork Bluff Creek	44N	08E	18		
067	Unnamed Stream	East Fork Bluff Creek	44N	08E	18		
068	East Fork Bluff Creek	Bluff Creek	44N	08E	19		
069	Siamese Creek	East Fork Bluff Creek	44N	08E	19		
070	Unnamed Stream	East Fork Bluff Creek	44N	08E	19		
071	Unnamed Stream	Siamese Creek	44N	08E	19		
072	Unnamed Stream	Siamese Creek	44N	08E	19		
073	Unnamed Stream	Siamese Creek	44N	08E	19		
074	Siamese Creek	East Fork Bluff Creek	44N	08E	20		
075	Unnamed Stream	Siamese Creek	44N	08E	20		
076	Unnamed Stream	East Fork Bluff Creek	44N	08E	30		
077	Unnamed Stream	East Fork Bluff Creek	44N	08E	30		

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		

