

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. 91-07975A

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 Eagle Creek-St Joe River subwatershed (HUC12 170103040305).

QUANTITY: 1.000 CFS
46.10 AFY

The quantity under this water right is limited to up to 46.100 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. 91-07975A, 91-07975B and 91-08011 are limited to a total combined annual diversion volume of 46.10 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 46.10 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 Eagle Creek-St Joe River subwatershed (HUC12 170103040305), Siwash Creek-St Joe River subwatershed (HUC12 170103040308), Loop Creek subwatershed (HUC12 170103040201), Quartz Creek subwatershed (HUC12 170103040303), Bruin Creek-St Joe River subwatershed (HUC12 170103040304), Bluff Creek subwatershed (HUC12 170103040302), Sisters Creek subwatershed (HUC12 170103040306) 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	Nugget Creek	St Joe River	44N	07E	04		
003	Periwinkle Creek	Nugget Creek	44N	07E	04		
004	Unnamed Stream	Periwinkle Creek	44N	07E	03		
005	Unnamed Stream	Periwinkle Creek	44N	07E	04		
006	Unnamed Stream	Periwinkle Creek	44N	07E	04		
007	Adams Creek	Eagle Creek	45N	07E	11		
008	Adams Creek	Eagle Creek	45N	07E	12		
009	Allen Creek	St Joe River	45N	06E	24		
010	Allen Creek	St Joe River	45N	06E	26		
011	Bird Creek	St Joe River	45N	06E	13		
012	Bird Creek	St Joe River	45N	06E	24		
013	Bird Creek	St Joe River	45N	07E	05		
014	Bird Creek	St Joe River	45N	07E	06		
015	Bird Creek	St Joe River	45N	07E	07		
016	Bird Creek	St Joe River	45N	07E	18		
017	Bluebird Creek	Bird Creek	45N	07E	06		
018	Bluebird Creek	Bird Creek	45N	07E	07		
019	Bottle Creek	St Joe River	45N	07E	08		
020	Bottle Creek	St Joe River	45N	07E	17		
021	Bottle Creek	St Joe River	45N	07E	20		
022	Craddock Creek	Eagle Creek	45N	07E	01		
023	Craddock Creek	Eagle Creek	45N	08E	06		
024	Eagle Creek	St Joe River	45N	07E	01		
025	Eagle Creek	St Joe River	45N	07E	02		
026	Eagle Creek	St Joe River	45N	07E	11		
027	Eagle Creek	St Joe River	45N	07E	14		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
028	Eagle Creek	St Joe River	45N	07E	23		
029	Eagle Creek	St Joe River	45N	07E	26		
030	Eagle Creek	St Joe River	45N	07E	27		
031	Hardpan Creek	St Joe River	45N	07E	20		
032	Hardpan Creek	St Joe River	45N	07E	29		
033	Malin Creek	St Joe River	45N	07E	09		
034	Malin Creek	St Joe River	45N	07E	16		
035	Malin Creek	St Joe River	45N	07E	21		
036	Mirror Creek	Bird Creek	45N	07E	04		
037	Mirror Creek	Bird Creek	45N	07E	05		
038	Nugget Creek	St Joe River	45N	07E	27		
039	Nugget Creek	St Joe River	45N	07E	28		
040	Nugget Creek	St Joe River	45N	07E	33		
041	Prospector Creek	St Joe River	45N	06E	36		
042	Prospector Creek	St Joe River	45N	07E	20		
043	Prospector Creek	St Joe River	45N	07E	29		
044	Prospector Creek	St Joe River	45N	07E	30		
045	St Joe River	Coeur d'Alene Lake	45N	06E	24		
046	St Joe River	Coeur d'Alene Lake	45N	07E	19		
047	St Joe River	Coeur d'Alene Lake	45N	07E	20		
048	St Joe River	Coeur d'Alene Lake	45N	07E	21		
049	St Joe River	Coeur d'Alene Lake	45N	07E	27		
050	St Joe River	Coeur d'Alene Lake	45N	07E	28		
051	Tin Can Creek	St Joe River	45N	07E	18		
052	Tin Can Creek	St Joe River	45N	07E	19		
053	Unnamed Stream	Bluebird Creek	45N	06E	01	NENE	L 8

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
054	Unnamed Stream	Bluebird Creek	45N	06E	01	NWNE	L 2
055	Unnamed Stream	Bluebird Creek	45N	06E	01	NWNE	L 7
056	Unnamed Stream	Bluebird Creek	45N	06E	01	SENE	L 9
057	Unnamed Stream	Bluebird Creek	45N	06E	01	SENE	L 9
058	Unnamed Stream	Bluebird Creek	45N	06E	01	SENE	L 9
059	Unnamed Stream	Bird Creek	45N	06E	01	SESE	
060	Unnamed Stream	Bluebird Creek	45N	06E	01	SWNE	L 10
061	Unnamed Stream	Bird Creek	45N	06E	12		
062	Unnamed Stream	Bird Creek	45N	06E	13		
063	Unnamed Stream	Allen Creek	45N	06E	23		
064	Unnamed Stream	Bird Creek	45N	06E	24		
065	Unnamed Stream	Allen Creek	45N	06E	26		
066	Unnamed Stream	Allen Creek	45N	06E	26		
067	Unnamed Stream	Allen Creek	45N	06E	26		
068	Unnamed Stream	Allen Creek	45N	06E	26		
069	Unnamed Stream	Allen Creek	45N	06E	36		
070	Unnamed Stream	Prospector Creek	45N	06E	36		
071	Unnamed Stream	Prospector Creek	45N	06E	36		
072	Unnamed Stream	Prospector Creek	45N	06E	36		
073	Unnamed Stream	Eagle Creek	45N	07E	01		
074	Unnamed Stream	Eagle Creek	45N	07E	01		
075	Unnamed Stream	St Joe River	45N	07E	01		
076	Unnamed Stream	St Joe River	45N	07E	01		
077	Unnamed Stream	Eagle Creek	45N	07E	02		
078	Unnamed Stream	Eagle Creek	45N	07E	02		
079	Unnamed Stream	Eagle Creek	45N	07E	02		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
080	Unnamed Stream	Eagle Creek	45N	07E	03		
081	Unnamed Stream	Eagle Creek	45N	07E	03		
082	Unnamed Stream	Mirror Creek	45N	07E	03		
083	Unnamed Stream	Malin Creek	45N	07E	04		
084	Unnamed Stream	Mirror Creek	45N	07E	04		
085	Unnamed Stream	Mirror Creek	45N	07E	04		
086	Unnamed Stream	Mirror Creek	45N	07E	04		
087	Unnamed Stream	Mirror Creek	45N	07E	04		
088	Unnamed Stream	Mirror Creek	45N	07E	04		
089	Unnamed Stream	Bird Creek	45N	07E	05		
090	Unnamed Stream	Bird Creek	45N	07E	05		
091	Unnamed Stream	Mirror Creek	45N	07E	05		
092	Unnamed Stream	Bird Creek	45N	07E	06		
093	Unnamed Stream	Bird Creek	45N	07E	06		
094	Unnamed Stream	Bird Creek	45N	07E	06		
095	Unnamed Stream	Bluebird Creek	45N	07E	06		
096	Unnamed Stream	Bird Creek	45N	07E	07		
097	Unnamed Stream	Bird Creek	45N	07E	07		
098	Unnamed Stream	Bird Creek	45N	07E	07		
099	Unnamed Stream	Bird Creek	45N	07E	07		
100	Unnamed Stream	Bird Creek	45N	07E	08		
101	Unnamed Stream	Bird Creek	45N	07E	08		
102	Unnamed Stream	Bird Creek	45N	07E	08		
103	Unnamed Stream	Bird Creek	45N	07E	08		
104	Unnamed Stream	Malin Creek	45N	07E	08		
105	Unnamed Stream	Mirror Creek	45N	07E	08		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
106	Unnamed Stream	Malin Creek	45N	07E	09		
107	Unnamed Stream	Malin Creek	45N	07E	09		
108	Unnamed Stream	Malin Creek	45N	07E	09		
109	Unnamed Stream	Malin Creek	45N	07E	09		
110	Unnamed Stream	Malin Creek	45N	07E	09		
111	Unnamed Stream	Malin Creek	45N	07E	09		
112	Unnamed Stream	Malin Creek	45N	07E	09		
113	Unnamed Stream	Malin Creek	45N	07E	09		
114	Unnamed Stream	Eagle Creek	45N	07E	10		
115	Unnamed Stream	Malin Creek	45N	07E	10		
116	Unnamed Stream	Eagle Creek	45N	07E	11		
117	Unnamed Stream	Eagle Creek	45N	07E	11		
118	Unnamed Stream	Eagle Creek	45N	07E	11		
119	Unnamed Stream	Eagle Creek	45N	07E	12		
120	Unnamed Stream	Eagle Creek	45N	07E	13		
121	Unnamed Stream	Eagle Creek	45N	07E	13		
122	Unnamed Stream	Eagle Creek	45N	07E	14		
123	Unnamed Stream	Eagle Creek	45N	07E	14		
124	Unnamed Stream	Eagle Creek	45N	07E	14		
125	Unnamed Stream	Eagle Creek	45N	07E	14		
126	Unnamed Stream	Eagle Creek	45N	07E	14		
127	Unnamed Stream	Eagle Creek	45N	07E	14		
128	Unnamed Stream	Malin Creek	45N	07E	15		
129	Unnamed Stream	Malin Creek	45N	07E	15		
130	Unnamed Stream	Malin Creek	45N	07E	15		
131	Unnamed Stream	Malin Creek	45N	07E	15		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
132	Unnamed Stream	Malin Creek	45N	07E	16		
133	Unnamed Stream	Malin Creek	45N	07E	16		
134	Unnamed Stream	Malin Creek	45N	07E	16		
135	Unnamed Stream	Malin Creek	45N	07E	16		
136	Unnamed Stream	Bottle Creek	45N	07E	17		
137	Unnamed Stream	Bottle Creek	45N	07E	17		
138	Unnamed Stream	Bottle Creek	45N	07E	17		
139	Unnamed Stream	Bird Creek	45N	07E	18		
140	Unnamed Stream	Bird Creek	45N	07E	19		
141	Unnamed Stream	St Joe River	45N	07E	19		
142	Unnamed Stream	Bottle Creek	45N	07E	20		
143	Unnamed Stream	St Joe River	45N	07E	20		
144	Unnamed Stream	Malin Creek	45N	07E	21		
145	Unnamed Stream	Malin Creek	45N	07E	21		
146	Unnamed Stream	St Joe River	45N	07E	21		
147	Unnamed Stream	Eagle Creek	45N	07E	22		
148	Unnamed Stream	Malin Creek	45N	07E	22		
149	Unnamed Stream	Malin Creek	45N	07E	22		
150	Unnamed Stream	St Joe River	45N	07E	22		
151	Unnamed Stream	Eagle Creek	45N	07E	23		
152	Unnamed Stream	Eagle Creek	45N	07E	23		
153	Unnamed Stream	Eagle Creek	45N	07E	23		
154	Unnamed Stream	Eagle Creek	45N	07E	23		
155	Unnamed Stream	Eagle Creek	45N	07E	24		
156	Unnamed Stream	Eagle Creek	45N	07E	26		
157	Unnamed Stream	Eagle Creek	45N	07E	26		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
158	Unnamed Stream	Eagle Creek	45N	07E	26		
159	Unnamed Stream	Eagle Creek	45N	07E	26		
160	Unnamed Stream	St Joe River	45N	07E	27		
161	Unnamed Stream	Prospector Creek	45N	07E	29		
162	Unnamed Stream	St Joe River	45N	07E	29		
163	Unnamed Stream	Prospector Creek	45N	07E	30		
164	Unnamed Stream	Prospector Creek	45N	07E	30		
165	Unnamed Stream	Prospector Creek	45N	07E	30		
166	Unnamed Stream	St Joe River	45N	07E	30		
167	Unnamed Stream	Nugget Creek	45N	07E	32		
168	Unnamed Stream	Nugget Creek	45N	07E	32		
169	Unnamed Stream	Nugget Creek	45N	07E	32		
170	Unnamed Stream	Nugget Creek	45N	07E	32		
171	Unnamed Stream	Prospector Creek	45N	07E	32		
172	Unnamed Stream	Prospector Creek	45N	07E	32		
173	Unnamed Stream	Nugget Creek	45N	07E	33		
174	Unnamed Stream	Nugget Creek	45N	07E	33		
175	Unnamed Stream	Nugget Creek	45N	07E	33		
176	Unnamed Stream	Nugget Creek	45N	07E	33		
177	Unnamed Stream	St Joe River	45N	08E	06		
178	Unnamed Stream	St Joe River	45N	08E	06		
179	Unnamed Stream	St Joe River	45N	08E	06		
180	Bernier Creek	Bird Creek	46N	07E	27		
181	Bernier Creek	Bird Creek	46N	07E	28		
182	Bernier Creek	Bird Creek	46N	07E	32		
183	Bernier Creek	Bird Creek	46N	07E	33		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
184	Bird Creek	St Joe River	46N	07E	29		
185	Bird Creek	St Joe River	46N	07E	30		
186	Bird Creek	St Joe River	46N	07E	32		
187	Bluebird Creek	Bird Creek	46N	06E	36		
188	Bluebird Creek	Bird Creek	46N	07E	31		
189	Craddock Creek	Eagle Creek	46N	08E	31		
190	Eagle Creek	St Joe River	46N	07E	35		
191	Eagle Creek	St Joe River	46N	07E	36		
192	Morgan Creek	Bird Creek	46N	07E	28		
193	Morgan Creek	Bird Creek	46N	07E	32		
194	Morgan Creek	Bird Creek	46N	07E	33		
195	Unnamed Stream	Bluebird Creek	46N	06E	36		
196	Unnamed Stream	Bluebird Creek	46N	06E	36		
197	Unnamed Stream	Bluebird Creek	46N	06E	36		
198	Unnamed Stream	Bluebird Creek	46N	06E	36		
199	Unnamed Stream	Bluebird Creek	46N	06E	36		
200	Unnamed Stream	Bluebird Creek	46N	06E	36		
201	Unnamed Stream	Bluebird Creek	46N	06E	36		
202	Unnamed Stream	Bernier Creek	46N	07E	28		
203	Unnamed Stream	Bernier Creek	46N	07E	28		
204	Unnamed Stream	Morgan Creek	46N	07E	28		
205	Unnamed Stream	Bird Creek	46N	07E	29		
206	Unnamed Stream	Morgan Creek	46N	07E	29		
207	Unnamed Stream	Bird Creek	46N	07E	31		
208	Unnamed Stream	Bird Creek	46N	07E	31		
209	Unnamed Stream	Bird Creek	46N	07E	31		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
210	Unnamed Stream	Bird Creek	46N	07E	31		
211	Unnamed Stream	Bird Creek	46N	07E	31		
212	Unnamed Stream	Bird Creek	46N	07E	31		
213	Unnamed Stream	Bluebird Creek	46N	07E	31		
214	Unnamed Stream	Bernier Creek	46N	07E	32		
215	Unnamed Stream	Bird Creek	46N	07E	32		
216	Unnamed Stream	Bird Creek	46N	07E	32		
217	Unnamed Stream	Bird Creek	46N	07E	32		
218	Unnamed Stream	Bird Creek	46N	07E	32		
219	Unnamed Stream	Bird Creek	46N	07E	32		
220	Unnamed Stream	Bernier Creek	46N	07E	33		
221	Unnamed Stream	Bernier Creek	46N	07E	33		
222	Unnamed Stream	Bernier Creek	46N	07E	33		
223	Unnamed Stream	Bernier Creek	46N	07E	33		
224	Unnamed Stream	Bernier Creek	46N	07E	34		
225	Unnamed Stream	Bernier Creek	46N	07E	34		
226	Unnamed Stream	Eagle Creek	46N	07E	34		
227	Unnamed Stream	Eagle Creek	46N	07E	34		
228	Unnamed Stream	Eagle Creek	46N	07E	35		
229	Unnamed Stream	Eagle Creek	46N	07E	35		
230	Unnamed Pond	Bird Creek	45N	07E	05		
231	Unnamed Pond	Bird Creek	45N	07E	05		
232	Unnamed Pond	Bird Creek	46N	07E	32		
233	Unnamed Pond	Bird Creek	46N	07E	32		
234	Unnamed Pond	Eagle Creek	46N	07E	35		

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		

