

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. 91-07978A

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 Siwash Creek-St Joe River subwatershed (HUC12 170103040308).

QUANTITY: 1.000 CFS
43.70 AFY

The quantity under this water right is limited to up to 43.700 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. 91-08010, 91-08013, 91-07978A, 91-07978B, 91-07978C and 91-07978D are limited to a total combined annual diversion volume of 43.70 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 43.70 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 Siwash Creek-St Joe River subwatershed (HUC12 170103040308), Flemming Creek-St Joe River subwatershed (HUC12 170103040601), Lower North Fork-St Joe River subwatershed (HUC12 170103040203), Loop Creek subwatershed (HUC12 170103040201), Eagle Creek-St Joe River subwatershed (HUC12 170103040305), Sisters Creek subwatershed (HUC12 170103040306) and Fishhook Creek subwatershed (HUC12 170103040307).

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	Blue Grouse Creek	Wolf Lodge Creek	44N	05E	01		
003	Unnamed Stream	Blue Grouse Creek	44N	05E	01		
004	Unnamed Stream	Blue Grouse Creek	44N	05E	01		
005	Unnamed Stream	Siwash Creek	44N	05E	01		
006	Unnamed Stream	Siwash Creek	44N	05E	01		
007	Siwash Creek	St Joe River	44N	05E	02		
008	Unnamed Stream	Siwash Creek	44N	05E	02		
009	Unnamed Stream	Siwash Creek	44N	05E	02		
010	Unnamed Stream	Siwash Creek	44N	05E	02		
011	Unnamed Stream	Siwash Creek	44N	05E	02		
012	Unnamed Stream	Siwash Creek	44N	05E	02		
013	Unnamed Stream	Siwash Creek	44N	05E	02		
014	Unnamed Stream	Siwash Creek	44N	05E	02		
015	Siwash Creek	St Joe River	44N	05E	11		
016	Unnamed Stream	Siwash Creek	44N	05E	11		
017	Unnamed Stream	Siwash Creek	44N	05E	11		
018	Blue Grouse Creek	Wolf Lodge Creek	44N	05E	12		
019	Unnamed Stream	Siwash Creek	44N	05E	12		
020	Unnamed Stream	Blue Grouse Creek	44N	06E	06		
021	Unnamed Stream	Blue Grouse Creek	44N	06E	06		
022	Setzer Creek	St Joe River	45N	05E	04		
023	Unnamed Stream	Avery Creek	45N	05E	04		
024	Unnamed Stream	Setzer Creek	45N	05E	04		
025	Unnamed Stream	Setzer Creek	45N	05E	04		
026	Unnamed Stream	Setzer Creek	45N	05E	04		
027	Unnamed Stream	Setzer Creek	45N	05E	04		
028	Unnamed Stream	Setzer Creek	45N	05E	04		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
029	Unnamed Stream	Setzer Creek	45N	05E	04		
030	St Joe River	Coeur d'Alene Lake	45N	05E	08		
031	Setzer Creek	St Joe River	45N	05E	08		
032	Unnamed Stream	Setzer Creek	45N	05E	08		
033	Avery Creek	St Joe River	45N	05E	10		
034	Unnamed Stream	Avery Creek	45N	05E	10		
035	Unnamed Stream	Avery Creek	45N	05E	10		
036	Unnamed Stream	Avery Creek	45N	05E	10		
037	Unnamed Stream	St Joe River	45N	05E	10		
038	St Joe River	Coeur d'Alene Lake	45N	05E	11	SESE	
039	St Joe River	Coeur d'Alene Lake	45N	05E	12		
040	Unnamed Stream	Coddington Creek	45N	05E	12		
041	Unnamed Stream	St Joe River	45N	05E	12		
042	Unnamed Stream	St Joe River	45N	05E	12		
043	Coddington Creek	St Joe River	45N	05E	13		
044	St Joe River	Coeur d'Alene Lake	45N	05E	13		
045	Unnamed Stream	Coddington Creek	45N	05E	13		
046	Unnamed Stream	St Joe River	45N	05E	13		
047	Unnamed Stream	St Joe River	45N	05E	13		
048	Unnamed Stream	St Joe River	45N	05E	13		
049	Unnamed Stream	St Joe River	45N	05E	13		
050	Unnamed Stream	St Joe River	45N	05E	13		
051	St Joe River	Coeur d'Alene Lake	45N	05E	14		
052	Unnamed Stream	St Joe River	45N	05E	14		
053	Unnamed Stream	Williams Creek	45N	05E	14		
054	Unnamed Stream	Williams Creek	45N	05E	14		
055	Williams Creek	St Joe River	45N	05E	14		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
056	St Joe River	Coeur d'Alene Lake	45N	05E	16	NENW	
057	St Joe River	Coeur d'Alene Lake	45N	05E	16	NENW	L 3
058	Unnamed Stream	St Joe River	45N	05E	16	NENW	L 3
059	Unnamed Stream	St Joe River	45N	05E	16	NENW	L 3
060	Unnamed Stream	St Joe River	45N	05E	16	NESE	
061	Unnamed Stream	St Joe River	45N	05E	16	NESW	
062	St Joe River	Coeur d'Alene Lake	45N	05E	16	NWNW	
063	St Joe River	Coeur d'Alene Lake	45N	05E	16	NWNW	L 3
064	Unnamed Stream	St Joe River	45N	05E	16	NWNW	L 3
065	Unnamed Stream	St Joe River	45N	05E	16	NWSE	
066	Unnamed Stream	St Joe River	45N	05E	16	NWSE	
067	Unnamed Stream	St Joe River	45N	05E	16	NWSE	
068	St Joe River	Coeur d'Alene Lake	45N	05E	16	SENE	
069	St Joe River	Coeur d'Alene Lake	45N	05E	16	SENE	L 7
070	Unnamed Stream	St Joe River	45N	05E	16	SESE	
071	Unnamed Stream	St Joe River	45N	05E	16	SESW	
072	St Joe River	Coeur d'Alene Lake	45N	05E	16	SWNE	
073	St Joe River	Coeur d'Alene Lake	45N	05E	16	SWNE	L 6
074	Unnamed Stream	St Joe River	45N	05E	16	SWNE	
075	Unnamed Stream	St Joe River	45N	05E	16	SWNE	L 6
076	Unnamed Stream	St Joe River	45N	05E	16	SWSE	
077	Kelly Creek	St Joe River	45N	05E	22		
078	Therault Creek	St Joe River	45N	05E	22		
079	Unnamed Stream	Kelly Creek	45N	05E	22		
080	Unnamed Stream	Kelly Creek	45N	05E	22		
081	Unnamed Stream	Kelly Creek	45N	05E	22		
082	Unnamed Stream	Williams Creek	45N	05E	22		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
083	Siwash Creek	St Joe River	45N	05E	24		
084	Unnamed Stream	St Joe River	45N	05E	24		
085	Unnamed Stream	St Joe River	45N	05E	24		
086	Unnamed Stream	Siwash Creek	45N	05E	24		
087	Unnamed Stream	Siwash Creek	45N	05E	24		
088	Blue Grouse Creek	Wolf Lodge Creek	45N	05E	25		
089	Siwash Creek	St Joe River	45N	05E	25		
090	Unnamed Stream	Blue Grouse Creek	45N	05E	25		
091	Unnamed Stream	Siwash Creek	45N	05E	25		
092	Unnamed Stream	Siwash Creek	45N	05E	25		
093	Unnamed Stream	Siwash Creek	45N	05E	25		
094	Unnamed Stream	Siwash Creek	45N	05E	25		
095	Siwash Creek	St Joe River	45N	05E	26		
096	Unnamed Stream	Kelly Creek	45N	05E	26		
097	Unnamed Stream	Kelly Creek	45N	05E	26		
098	Unnamed Stream	Siwash Creek	45N	05E	26		
099	Unnamed Stream	Siwash Creek	45N	05E	26		
100	Unnamed Stream	Kelly Creek	45N	05E	28		
101	Kelly Creek	St Joe River	45N	05E	34		
102	Unnamed Stream	Kelly Creek	45N	05E	34		
103	Unnamed Stream	Kelly Creek	45N	05E	34		
104	Unnamed Stream	Kelly Creek	45N	05E	34		
105	Siwash Creek	St Joe River	45N	05E	35		
106	Unnamed Stream	Siwash Creek	45N	05E	35		
107	Unnamed Stream	Siwash Creek	45N	05E	35		
108	Blue Grouse Creek	Wolf Lodge Creek	45N	05E	36		
109	Unnamed Stream	Blue Grouse Creek	45N	05E	36		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
110	Unnamed Stream	Blue Grouse Creek	45N	05E	36		
111	Unnamed Stream	Blue Grouse Creek	45N	05E	36		
112	Unnamed Stream	Blue Grouse Creek	45N	05E	36		
113	Unnamed Stream	Blue Grouse Creek	45N	05E	36		
114	Skookum Creek	St Joe River	45N	06E	02		
115	Unnamed Stream	Skookum Creek	45N	06E	02		
116	Unnamed Stream	Skookum Creek	45N	06E	02		
117	Unnamed Stream	Skookum Creek	45N	06E	02		
118	Unnamed Stream	Skookum Creek	45N	06E	02		
119	Unnamed Stream	Red Cross Creek	45N	06E	04		
120	Unnamed Stream	Red Cross Creek	45N	06E	04		
121	Packsaddle Creek	St Joe River	45N	06E	05		
122	Unnamed Stream	Skookum Creek	45N	06E	05		
123	Packsaddle Creek	St Joe River	45N	06E	07	NESE	
124	Coddington Creek	St Joe River	45N	06E	07	NESW	
125	Coddington Creek	St Joe River	45N	06E	07	NWSE	
126	Unnamed Stream	Coddington Creek	45N	06E	07	NWSW	L 3
127	Packsaddle Creek	St Joe River	45N	06E	07	SESE	
128	Unnamed Stream	Packsaddle Creek	45N	06E	07	SESE	
129	Unnamed Stream	Packsaddle Creek	45N	06E	07	SESE	
130	Coddington Creek	St Joe River	45N	06E	07	SESW	
131	Coddington Creek	St Joe River	45N	06E	07	SWSW	L 4
132	Packsaddle Creek	St Joe River	45N	06E	08		
133	Unnamed Stream	Packsaddle Creek	45N	06E	08		
134	Unnamed Stream	Packsaddle Creek	45N	06E	08		
135	Unnamed Stream	Packsaddle Creek	45N	06E	08		
136	Unnamed Stream	Packsaddle Creek	45N	06E	08		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
137	Unnamed Stream	Skookum Creek	45N	06E	08		
138	Unnamed Stream	Skookum Creek	45N	06E	08		
139	Red Cross Creek	Skookum Creek	45N	06E	10		
140	Skookum Creek	St Joe River	45N	06E	10		
141	Unnamed Stream	Red Cross Creek	45N	06E	10		
142	Unnamed Stream	Skookum Creek	45N	06E	10		
143	Unnamed Stream	Skookum Creek	45N	06E	10		
144	Turner Creek	St Joe River	45N	06E	12		
145	St Joe River	Coeur d'Alene Lake	45N	06E	13		
146	Turner Creek	St Joe River	45N	06E	13		
147	Unnamed Stream	St Joe River	45N	06E	13		
148	Coyote Creek	St Joe River	45N	06E	14		
149	St Joe River	Coeur d'Alene Lake	45N	06E	14		
150	Turner Creek	St Joe River	45N	06E	14		
151	Unnamed Stream	St Joe River	45N	06E	14		
152	Unnamed Stream	St Joe River	45N	06E	14		
153	Unnamed Stream	St Joe River	45N	06E	15	NESE	
154	Skookum Creek	St Joe River	45N	06E	15	NWNW	
155	Tourist Creek	St Joe River	45N	06E	15	NWSE	
156	Unnamed Stream	St Joe River	45N	06E	15	SESE	
157	Tourist Creek	St Joe River	45N	06E	15	SESW	
158	Tourist Creek	St Joe River	45N	06E	15	SWSE	
159	Skookum Creek	St Joe River	45N	06E	16		
160	Unnamed Stream	St Joe River	45N	06E	16		
161	Unnamed Stream	Skookum Creek	45N	06E	16		
162	Unnamed Stream	Skookum Creek	45N	06E	16		
163	Packsaddle Creek	St Joe River	45N	06E	17		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
164	Unnamed Stream	Packsaddle Creek	45N	06E	17		
165	Unnamed Stream	Packsaddle Creek	45N	06E	17		
166	Unnamed Stream	Packsaddle Creek	45N	06E	17		
167	Unnamed Stream	Packsaddle Creek	45N	06E	17		
168	Unnamed Stream	St Joe River	45N	06E	17		
169	Unnamed Stream	Skookum Creek	45N	06E	17		
170	Coddington Creek	St Joe River	45N	06E	18		
171	Packsaddle Creek	St Joe River	45N	06E	18		
172	St Joe River	Coeur d'Alene Lake	45N	06E	18		
173	Unnamed Stream	Packsaddle Creek	45N	06E	18		
174	Unnamed Stream	St Joe River	45N	06E	18		
175	St Joe River	Coeur d'Alene Lake	45N	06E	19		
176	Siwash Creek	St Joe River	45N	06E	19		
177	Unnamed Stream	St Joe River	45N	06E	19		
178	Bootleg Creek	St Joe River	45N	06E	20		
179	Packsaddle Creek	St Joe River	45N	06E	20		
180	St Joe River	Coeur d'Alene Lake	45N	06E	20		
181	Unnamed Stream	St Joe River	45N	06E	20		
182	Unnamed Stream	St Joe River	45N	06E	20		
183	Unnamed Stream	St Joe River	45N	06E	20		
184	Unnamed Stream	St Joe River	45N	06E	20		
185	Unnamed Stream	St Joe River	45N	06E	20		
186	Unnamed Stream	St Joe River	45N	06E	20		
187	Bootleg Creek	St Joe River	45N	06E	21		
188	St Joe River	Coeur d'Alene Lake	45N	06E	21		
189	Skookum Creek	St Joe River	45N	06E	21		
190	Unnamed Stream	Bootleg Creek	45N	06E	21		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
191	Unnamed Stream	St Joe River	45N	06E	21		
192	St Joe River	Coeur d'Alene Lake	45N	06E	22		
193	Tourist Creek	St Joe River	45N	06E	22		
194	Unnamed Stream	St Joe River	45N	06E	22		
195	Coyote Creek	St Joe River	45N	06E	23		
196	St Joe River	Coeur d'Alene Lake	45N	06E	23		
197	Turner Creek	St Joe River	45N	06E	23		
198	Unnamed Stream	St Joe River	45N	06E	23		
199	Unnamed Stream	St Joe River	45N	06E	23		
200	Bird Creek	St Joe River	45N	06E	24		
201	St Joe River	Coeur d'Alene Lake	45N	06E	24		
202	Unnamed Stream	Bootleg Creek	45N	06E	28		
203	Unnamed Stream	Siwash Creek	45N	06E	30		
204	Unnamed Stream	Blue Grouse Creek	45N	06E	31		
205	Unnamed Stream	Blue Grouse Creek	45N	06E	31		
206	Unnamed Stream	Blue Grouse Creek	45N	06E	31		
207	Setzer Creek	St Joe River	46N	05E	28		
208	Unnamed Stream	Setzer Creek	46N	05E	34		
209	Skookum Creek	St Joe River	46N	06E	26		
210	Unnamed Stream	Skookum Creek	46N	06E	26		
211	Unnamed Stream	Skookum Creek	46N	06E	26		
212	Unnamed Stream	Skookum Creek	46N	06E	26		
213	Red Cross Creek	Skookum Creek	46N	06E	34		
214	Unnamed Stream	Red Cross Creek	46N	06E	34		
215	Unnamed Stream	Red Cross Creek	46N	06E	34		
216	Unnamed Stream	Red Cross Creek	46N	06E	34		
217	Unnamed Stream	Red Cross Creek	46N	06E	34		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
218	Unnamed Stream	Skookum Creek	46N	06E	36		

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		

