

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. 91-07978D

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: 11/13/1945

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	Avery Creek	St Joe River	45N	05E	03		
003	Unnamed Stream	Avery Creek	45N	05E	03		
004	Unnamed Stream	Setzer Creek	45N	05E	03		
005	Unnamed Stream	Setzer Creek	45N	05E	03		
006	Unnamed Stream	Setzer Creek	45N	05E	05		
007	Unnamed Stream	St Joe River	45N	05E	09	NENW	
008	Unnamed Stream	St Joe River	45N	05E	09	NESE	
009	Unnamed Stream	St Joe River	45N	05E	09	NESE	
010	Unnamed Stream	St Joe River	45N	05E	09	NESW	
011	Unnamed Stream	St Joe River	45N	05E	09	NWNE	
012	Unnamed Stream	St Joe River	45N	05E	09	NWNE	
013	Setzer Creek	St Joe River	45N	05E	09	NWNW	
014	Unnamed Stream	St Joe River	45N	05E	09	NWSE	
015	Unnamed Stream	St Joe River	45N	05E	09	NWSE	
016	Unnamed Stream	St Joe River	45N	05E	09	NWSE	
017	Unnamed Stream	St Joe River	45N	05E	09	NWSE	
018	Unnamed Stream	St Joe River	45N	05E	09	NWSE	
019	Unnamed Stream	St Joe River	45N	05E	09	NWSW	
020	Unnamed Stream	St Joe River	45N	05E	09	SENE	
021	Unnamed Stream	St Joe River	45N	05E	09	SENW	
022	Unnamed Stream	St Joe River	45N	05E	09	SENW	
023	Unnamed Stream	St Joe River	45N	05E	09	SESW	
024	Unnamed Stream	St Joe River	45N	05E	09	SESW	
025	Unnamed Stream	St Joe River	45N	05E	09	SWNE	
026	Unnamed Stream	St Joe River	45N	05E	09	SWNE	
027	Unnamed Stream	St Joe River	45N	05E	09	SWNW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
028	St Joe River	Coeur d'Alene Lake	45N	05E	09	SWSW	L 1
029	Unnamed Stream	St Joe River	45N	05E	09	SWSW	L 1
030	St Joe River	Coeur d'Alene Lake	45N	05E	11	SESE	L 1
031	Unnamed Stream	Skookum Creek	45N	06E	01		
032	Red Cross Creek	Skookum Creek	45N	06E	03		
033	Skookum Creek	St Joe River	45N	06E	03		
034	Unnamed Stream	Red Cross Creek	45N	06E	03		
035	Unnamed Stream	Skookum Creek	45N	06E	03		
036	Packsaddle Creek	St Joe River	45N	06E	07	SENE	
037	Unnamed Stream	Red Cross Creek	45N	06E	09		
038	Unnamed Stream	Skookum Creek	45N	06E	09		
039	Unnamed Stream	Skookum Creek	45N	06E	09		
040	Unnamed Stream	Skookum Creek	45N	06E	09		
041	Unnamed Stream	Skookum Creek	45N	06E	09		
042	Coyote Creek	St Joe River	45N	06E	11		
043	Turner Creek	St Joe River	45N	06E	11		
044	Unnamed Stream	Coyote Creek	45N	06E	11		
045	Unnamed Stream	Skookum Creek	45N	06E	11		
046	Tourist Creek	St Joe River	45N	06E	15	SWNE	
047	Setzer Creek	St Joe River	46N	05E	33		
048	Unnamed Stream	Setzer Creek	46N	05E	33		
049	Unnamed Stream	Setzer Creek	46N	05E	33		
050	Unnamed Stream	Setzer Creek	46N	05E	33		
051	Unnamed Stream	Setzer Creek	46N	05E	33		
052	Unnamed Stream	Setzer Creek	46N	05E	33		
053	Unnamed Stream	Setzer Creek	46N	05E	33		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
054	Red Cross Creek	Skookum Creek	46N	06E	27		
055	Unnamed Stream	Red Cross Creek	46N	06E	33		
056	Skookum Creek	St Joe River	46N	06E	35		
057	Unnamed Stream	Skookum Creek	46N	06E	35		
058	Unnamed Stream	Skookum Creek	46N	06E	35		
059	Unnamed Stream	Skookum Creek	46N	06E	35		
060	Unnamed Stream	Skookum Creek	46N	06E	35		
061	Unnamed Stream	Skookum Creek	46N	06E	35		
062	Unnamed Stream	Skookum Creek	46N	06E	35		
063	Unnamed Stream	Skookum Creek	46N	06E	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		

