

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. 91-07979D

---

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 Upper Slate Creek subwatershed (HUC12 170103040401).

QUANTITY: 1.000 CFS  
41.20 AFY

The quantity under this water right is limited to up to 41.200 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. 91-07979A, 91-07979B, 91-07979C, 91-07979D and 91-07979E are limited to a total combined annual diversion volume of 41.200 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 41.20 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 Upper Slate Creek (HUC12 170103040401), Big Creek subwatershed (HUC 12 170103040602), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Lower Slate Creek subwatershed (HUC12 170103040402), Upper North Fork St Joe River subwatershed (HUC12 170103040202), Lower North Fork St Joe River subwatershed (HUC12 170103040203), Flemming Creek-St Joe River (HUC12 170103040601), Placer Creek subwatershed (HUC12 170103020103) and Big Creek subwatershed (HUC12 170103020302).

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	Cairn Creek	Slate Creek	46N	04E	01		
003	Rover Creek	Slate Creek	46N	04E	01		
004	Slate Creek	St Joe River	46N	04E	01		
005	Unnamed Stream	Slate Creek	46N	04E	01		
006	Unnamed Stream	Slate Creek	46N	04E	01		
007	Unnamed Stream	Slate Creek	46N	04E	01		
008	Unnamed Stream	Slate Creek	46N	04E	01		
009	Unnamed Stream	Slate Creek	46N	04E	01		
010	Unnamed Stream	Slate Creek	46N	04E	01		
011	Foolhen Creek	Flume Creek	46N	04E	03		
012	Unnamed Stream	Foolhen Creek	46N	04E	03		
013	Dam Creek	Slate Creek	46N	04E	05		
014	Unnamed Stream	Dam Creek	46N	04E	05		
015	Unnamed Stream	Dam Creek	46N	04E	05		
016	Unnamed Stream	Dam Creek	46N	04E	05		
017	Unnamed Stream	Dam Creek	46N	04E	05		
018	Unnamed Stream	Dam Creek	46N	04E	05		
019	Unnamed Stream	Slate Creek	46N	04E	11		
020	Cedar Creek	Slate Creek	46N	04E	13		
021	Unnamed Stream	Cedar Creek	46N	04E	13		
022	Binney Creek	Slate Creek	46N	05E	05		
023	Unnamed Stream	Binney Creek	46N	05E	05		
024	Unnamed Stream	Slate Creek	46N	05E	05		
025	Binney Creek	Slate Creek	46N	05E	07		
026	Unnamed Stream	Cedar Creek	46N	05E	07		

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
027	Unnamed Stream	Slate Creek	46N	05E	07		
028	Cedar Creek	Slate Creek	46N	05E	17		
029	Unnamed Stream	Cedar Creek	46N	05E	17		
030	Unnamed Stream	Cedar Creek	46N	05E	17		
031	Unnamed Stream	Cedar Creek	46N	05E	17		
032	Unnamed Stream	Cedar Creek	46N	05E	17		
033	Unnamed Stream	Cedar Creek	46N	05E	17		
034	Unnamed Stream	Cedar Creek	46N	05E	17		
035	Unnamed Stream	Cedar Creek	46N	05E	19	NESE	
036	Unnamed Stream	Cedar Creek	46N	05E	19	NWNE	
037	Unnamed Stream	Cedar Creek	46N	05E	19	NWSE	
038	Unnamed Stream	Cedar Creek	46N	05E	19	SENE	
039	Unnamed Stream	Cedar Creek	46N	05E	19	SWNE	
040	Dam Creek	Slate Creek	47N	04E	21		
041	Slate Creek	St Joe River	47N	04E	21		
042	Unnamed Stream	Slate Creek	47N	04E	21		
043	Unnamed Stream	Slate Creek	47N	04E	21		
044	Unnamed Stream	Slate Creek	47N	04E	21		
045	Unnamed Stream	Slate Creek	47N	04E	21		
046	Unnamed Stream	Slate Creek	47N	04E	21		
047	Red Top Creek	Slate Creek	47N	04E	23		
048	Unnamed Stream	Red Top Creek	47N	04E	23		
049	Unnamed Stream	Red Top Creek	47N	04E	23		
050	Unnamed Stream	Red Top Creek	47N	04E	23		
051	Unnamed Stream	Red Top Creek	47N	04E	23		

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
052	Unnamed Stream	Red Top Creek	47N	04E	23		
053	Unnamed Stream	Red Top Creek	47N	04E	23		
054	Unnamed Stream	Red Top Creek	47N	04E	23		
055	Unnamed Stream	Red Top Creek	47N	04E	23		
056	Unnamed Stream	Red Top Creek	47N	04E	23		
057	Unnamed Stream	Red Top Creek	47N	04E	23		
058	Unnamed Stream	Slate Creek	47N	04E	23		
059	Unnamed Stream	Slate Creek	47N	04E	23		
060	Unnamed Stream	Slate Creek	47N	04E	23		
061	Unnamed Stream	Slate Creek	47N	04E	23		
062	Corvus Creek	Slate Creek	47N	04E	25		
063	Horseshoe Creek	Slate Creek	47N	04E	25		
064	Slate Creek	St Joe River	47N	04E	25		
065	Summit Creek	Slate Creek	47N	04E	25		
066	Unnamed Stream	Slate Creek	47N	04E	25		
067	Unnamed Stream	Slate Creek	47N	04E	25		
068	Unnamed Stream	Slate Creek	47N	04E	25		
069	Unnamed Stream	Slate Creek	47N	04E	25		
070	Unnamed Stream	Summit Creek	47N	04E	25		
071	Unnamed Stream	Summit Creek	47N	04E	25		
072	Unnamed Stream	Summit Creek	47N	04E	25		
073	Flume Creek	Slate Creek	47N	04E	27		
074	Foolhen Creek	Flume Creek	47N	04E	27		
075	Murray Creek	Slate Creek	47N	04E	27		
076	Slate Creek	St Joe River	47N	04E	27		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
077	Unnamed Stream	Flume Creek	47N	04E	27		
078	Unnamed Stream	Slate Creek	47N	04E	27		
079	Dam Creek	Slate Creek	47N	04E	29		
080	Unnamed Stream	Dam Creek	47N	04E	29		
081	Unnamed Stream	Dam Creek	47N	04E	29		
082	Unnamed Stream	Dam Creek	47N	04E	29		
083	Unnamed Stream	Dam Creek	47N	04E	29		
084	Unnamed Stream	Dam Creek	47N	04E	31		
085	Unnamed Stream	Dam Creek	47N	04E	31		
086	Unnamed Stream	Dam Creek	47N	04E	31		
087	Unnamed Stream	Dam Creek	47N	04E	31		
088	Unnamed Stream	Dam Creek	47N	04E	31		
089	Unnamed Stream	Dam Creek	47N	04E	31		
090	Flume Creek	Slate Creek	47N	04E	33		
091	Unnamed Stream	Dam Creek	47N	04E	33		
092	Unnamed Stream	Flume Creek	47N	04E	33		
093	Unnamed Stream	Flume Creek	47N	04E	33		
094	Unnamed Stream	Flume Creek	47N	04E	33		
095	Unnamed Stream	Flume Creek	47N	04E	33		
096	Unnamed Stream	Flume Creek	47N	04E	33		
097	Corvus Creek	Slate Creek	47N	04E	35		
098	Unnamed Stream	Corvus Creek	47N	04E	35		
099	Unnamed Stream	Corvus Creek	47N	04E	35		
100	Unnamed Stream	Corvus Creek	47N	04E	35		
101	Unnamed Stream	Corvus Creek	47N	04E	35		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
102	Unnamed Stream	Corvus Creek	47N	04E	35		
103	Unnamed Stream	Foolhen Creek	47N	04E	35		
104	Unnamed Stream	Slate Creek	47N	04E	35		
105	Unnamed Stream	Slate Creek	47N	04E	35		
106	Unnamed Stream	Slate Creek	47N	04E	35		
107	Unnamed Pond	Dam Creek	47N	04E	31		

## 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		



