

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. 91-07980D

---

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 Lower Slate Creek subwatershed (HUC12 170103040402).

QUANTITY: 1.000 CFS  
23.70 AFY

The quantity under this water right is limited to up to 23.700 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. 91-07980A, 91-07980B, 91-07980C, 91-07980D, 91-07980E and 91-07980F are limited to a total combined annual diversion volume of 23.700 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 23.70 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 Lower Slate Creek subwatershed (HUC12 170103040402), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Upper Slate Creek subwatershed (HUC12 170103040401) and Flemming Creek-St Joe River subwatershed (HUC12 170103040601).

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	Prospect Creek	Slate Creek	46N	04E	03		
003	Unnamed Stream	Prospect Creek	46N	04E	03		
004	Unnamed Stream	Prospect Creek	46N	04E	03		
005	Unnamed Stream	Prospect Creek	46N	04E	03		
006	Unnamed Stream	Prospect Creek	46N	04E	03		
007	Unnamed Stream	Prospect Creek	46N	04E	03		
008	Unnamed Stream	Prospect Creek	46N	04E	03		
009	Unnamed Stream	Prospect Creek	46N	04E	03		
010	Fume Creek	Slate Creek	46N	04E	09		
011	Unnamed Stream	Prospect Creek	46N	04E	09		
012	Unnamed Stream	Prospect Creek	46N	04E	09		
013	Unnamed Stream	West Fork Slate Creek	46N	04E	09		
014	Unnamed Stream	West Fork Slate Creek	46N	04E	09		
015	West Fork Slate Creek	Slate Creek	46N	04E	09		
016	Unnamed Stream	Prospect Creek	46N	04E	11	NENW	
017	Prospect Creek	Slate Creek	46N	04E	11	NESW	
018	Prospect Creek	Slate Creek	46N	04E	11	NWSW	
019	Unnamed Stream	Prospect Creek	46N	04E	11	NWSW	
020	Unnamed Stream	Prospect Creek	46N	04E	11	SENW	
021	Prospect Creek	Slate Creek	46N	04E	11	SESW	
022	Unnamed Stream	Prospect Creek	46N	04E	11	SESW	
023	Prospect Creek	Slate Creek	46N	04E	11	SWNW	
024	Unnamed Stream	Prospect Creek	46N	04E	11	SWNW	
025	Unnamed Stream	Prospect Creek	46N	04E	11	SWNW	
026	Unnamed Stream	Prospect Creek	46N	04E	11	SWSW	
027	Unnamed Stream	Slate Creek	46N	04E	13	SESW	
028	Unnamed Stream	Slate Creek	46N	04E	13	SESW	
029	Unnamed Stream	Slate Creek	46N	04E	13	SWSW	
030	Unnamed Stream	Slate Creek	46N	04E	13	SWSW	

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
031	Fume Creek	Slate Creek	46N	04E	15		
032	Marion Creek	Slate Creek	46N	04E	15		
033	Unnamed Stream	Marion Creek	46N	04E	15		
034	Unnamed Stream	Prospect Creek	46N	04E	15		
035	Unnamed Stream	West Fork Slate Creek	46N	04E	17		
036	Unnamed Stream	West Fork Slate Creek	46N	04E	17		
037	Unnamed Stream	West Fork Slate Creek	46N	04E	17		
038	Unnamed Stream	West Fork Slate Creek	46N	04E	17		
039	Unnamed Stream	West Fork Slate Creek	46N	04E	17		
040	West Fork Slate Creek	Slate Creek	46N	04E	17		
041	Unnamed Stream	West Fork Slate Creek	46N	04E	19		
042	Unnamed Stream	Marion Creek	46N	04E	21		
043	Unnamed Stream	Marion Creek	46N	04E	21		
044	Unnamed Stream	Slate Creek	46N	04E	21		
045	Unnamed Stream	Slate Creek	46N	04E	21		
046	Unnamed Stream	West Fork Slate Creek	46N	04E	21		
047	Unnamed Stream	West Fork Slate Creek	46N	04E	21		
048	Unnamed Stream	West Fork Slate Creek	46N	04E	21		
049	West Fork Slate Creek	Slate Creek	46N	04E	21		
050	Fume Creek	Slate Creek	46N	04E	23		
051	Slate Creek	St Joe River	46N	04E	23		
052	Unnamed Stream	Slate Creek	46N	04E	23		
053	Unnamed Stream	Slate Creek	46N	04E	23		
054	Fritz Creek	Slate Creek	46N	04E	25		
055	Lumberjack Creek	Slate Creek	46N	04E	25		
056	Unnamed Stream	Lumberjack Creek	46N	04E	25		
057	Unnamed Stream	Lumberjack Creek	46N	04E	25		
058	Unnamed Stream	Lumberjack Creek	46N	04E	25		
059	Lumberjack Creek	Slate Creek	46N	04E	27	NENE	

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Slate Creek	St Joe River	46N	04E	27	NENE	
061	Unnamed Stream	Slate Creek	46N	04E	27	NENE	
062	Unnamed Stream	Slate Creek	46N	04E	27	NENW	
063	Unnamed Stream	Slate Creek	46N	04E	27	NENW	
064	Unnamed Stream	Slate Creek	46N	04E	27	NENW	
065	Unnamed Stream	Slate Creek	46N	04E	27	NESW	
066	Unnamed Stream	Slate Creek	46N	04E	27	NWNE	
067	Unnamed Stream	Slate Creek	46N	04E	27	NWNW	
068	Unnamed Stream	Slate Creek	46N	04E	27	NWSW	
069	Slate Creek	St Joe River	46N	04E	27	SENE	
070	Unnamed Stream	Slate Creek	46N	04E	27	SENE	
071	Unnamed Stream	Slate Creek	46N	04E	27	SENW	
072	Unnamed Stream	Slate Creek	46N	04E	27	SESW	
073	Unnamed Stream	Slate Creek	46N	04E	27	SWNW	
074	Unnamed Stream	Slate Creek	46N	04E	27	SWSW	
075	Unnamed Stream	West Fork Slate Creek	46N	04E	29		
076	Unnamed Stream	West Fork Slate Creek	46N	04E	29		
077	Unnamed Stream	West Fork Slate Creek	46N	04E	29		
078	Unnamed Stream	West Fork Slate Creek	46N	04E	29		
079	West Fork Slate Creek	Slate Creek	46N	04E	29		
080	Unnamed Stream	Slate Creek	46N	04E	33		
081	Unnamed Stream	Slate Creek	46N	04E	33		
082	Unnamed Stream	Slate Creek	46N	04E	33		
083	Unnamed Stream	Slate Creek	46N	04E	33		
084	West Fork Slate Creek	Slate Creek	46N	04E	33		
085	Uhlman Creek	Slate Creek	46N	04E	35		
086	Unnamed Stream	Fritz Creek	46N	04E	35		
087	Unnamed Stream	Fritz Creek	46N	04E	35		
088	Unnamed Stream	Slate Creek	46N	04E	35		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
089	Unnamed Stream	Slate Creek	46N	04E	35		
090	Unnamed Stream	Uhlman Creek	46N	04E	35		
091	Lumberjack Creek	Slate Creek	46N	05E	19		

## 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		

