

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. 91-07985C

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 Marble Creek subwatershed (HUC12 170103040505).

QUANTITY: 1.000 CFS
15.20 AFY

The quantity under this water right is limited to up to 15.20 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. 91-07985A, 91-07985B, 91-07985C, 91-07985D, 91-07985E, 91-07985F, 91-07985G, 91-07985H, 91-07985I, 91-07985J, 91-07985K, 91-07985L, 91-07985M and 91-08016 are limited to a total combined annual diversion volume of 15.20 acre feet.

PRIORITY DATE: 10/20/1932

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 15.20 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 Lower Marble Creek subwatershed (HUC12 170103040505), Flemming Creek-St Joe River subwatershed (HUC12 170103040601), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Boulder Creek subwatershed (HUC12 170103040504), Upper Marble Creek subwatershed (HUC12 170103040501), Middle Marble Creek subwatershed (HUC12 170103040503) and Mica Creek subwatershed (HUC12 170103040604).

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	Marble Creek	St. Joe River	44N	03E	03	NENW	L 3
003	Unnamed Stream	Marble Creek	44N	03E	03	NENW	L 3
004	Unnamed Stream	Marble Creek	44N	03E	03	NENW	L 3
005	Donkey Creek	Marble Creek	44N	03E	03	NWNW	L 4
006	Marble Creek	St. Joe River	44N	03E	03	NWNW	L 4
007	Unnamed Stream	Marble Creek	44N	03E	03	NWNW	L 4
008	Marble Creek	St. Joe River	44N	03E	03	NWSW	
009	Unnamed Stream	Marble Creek	44N	03E	03	NWSW	
010	Unnamed Stream	Marble Creek	44N	03E	03	NWSW	
011	Unnamed Stream	Marble Creek	44N	03E	03	NWSW	
012	Marble Creek	St. Joe River	44N	03E	03	SENE	
013	Unnamed Stream	Marble Creek	44N	03E	03	SENE	
014	Donkey Creek	Marble Creek	44N	03E	03	SWNW	
015	Marble Creek	St. Joe River	44N	03E	03	SWNW	
016	Unnamed Stream	Marble Creek	44N	03E	03	SWSW	
017	Donkey Creek	Marble Creek	44N	03E	04	NENE	L 1
018	Marble Creek	St. Joe River	44N	03E	04	NESE	
019	Unnamed Stream	Marble Creek	44N	03E	04	NESE	
020	Unnamed Stream	Marble Creek	44N	03E	04	NESE	
021	Donkey Creek	Marble Creek	44N	03E	04	NWNE	L 2
022	Marble Creek	St. Joe River	44N	03E	04	SESE	
023	Unnamed Stream	Marble Creek	44N	03E	04	SESE	
024	Marble Creek	St. Joe River	44N	03E	04	SWSE	
025	Unnamed Stream	Marble Creek	44N	03E	04	SWSE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
026	Unnamed Stream	Marble Creek	44N	03E	04	SWSE	
027	Unnamed Stream	Marble Creek	44N	03E	05	NESW	
028	Unnamed Stream	Marble Creek	44N	03E	05	SESW	
029	Unnamed Stream	Marble Creek	44N	03E	05	SWSE	
030	Marble Creek	St. Joe River	44N	03E	09	NWNE	
031	Unnamed Stream	Marble Creek	45N	03E	24	NWSW	
032	Unnamed Stream	Marble Creek	45N	03E	24	NWSW	
033	Unnamed Stream	Marble Creek	45N	03E	24	SWNW	
034	Unnamed Stream	Marble Creek	45N	03E	24	SWNW	
035	Unnamed Stream	Marble Creek	45N	03E	24	SWSW	
036	Unnamed Stream	Marble Creek	45N	03E	26	NESW	
037	Marble Creek	St. Joe River	45N	03E	26	NWSE	
038	Unnamed Stream	Marble Creek	45N	03E	26	NWSE	
039	Unnamed Stream	Marble Creek	45N	03E	26	NWSW	
040	Unnamed Stream	Marble Creek	45N	03E	26	NWSW	
041	Marble Creek	St. Joe River	45N	03E	26	SESW	
042	Unnamed Stream	Marble Creek	45N	03E	26	SESW	
043	Marble Creek	St. Joe River	45N	03E	26	SWSE	
044	Marble Creek	St. Joe River	45N	03E	26	SWSW	
045	Unnamed Stream	Marble Creek	45N	03E	26	SWSW	
046	Unnamed Stream	Marble Creek	45N	03E	27		
047	Donkey Creek	Marble Creek	45N	03E	31		
048	Unnamed Stream	Donkey Creek	45N	03E	32	NENE	
049	Unnamed Stream	Donkey Creek	45N	03E	32	NENE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
050	Donkey Creek	Marble Creek	45N	03E	32	NWSW	
051	Unnamed Stream	Donkey Creek	45N	03E	32	SESW	
052	Donkey Creek	Marble Creek	45N	03E	32	SWSW	
053	Marble Creek	St. Joe River	45N	03E	34	NESW	
054	Marble Creek	St. Joe River	45N	03E	34	NWSE	
055	Unnamed Stream	Marble Creek	45N	03E	34	NWSW	
056	Marble Creek	St. Joe River	45N	03E	34	SESW	
057	Unnamed Stream	Marble Creek	45N	03E	34	SESW	
058	Marble Creek	St. Joe River	45N	03E	34	SWSE	
059	Marble Creek	St. Joe River	45N	03E	34	SWSW	
060	Unnamed Stream	Marble Creek	45N	03E	34	SWSW	

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		

