

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. 91-07988A

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 Black Prince Creek-St Joe River subwatershed (HUC12 170103040603).

QUANTITY: 1.000 CFS
17.70 AFY

The quantity under this water right is limited to up to 17.70 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. 91-07988A, 91-07988B, 91-07988C, 91-07988D, 91-07988E, 91-07988F and 91-07988G are limited to a total combined annual diversion volume of 17.700 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 17.70 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 Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Big Creek subwatershed (HUC12 170103040602), Hugas Creek-St Joe River subwatershed (HUC12 170103040605), Upper Slate Creek subwatershed (HUC12 170103040401), Lower Slate Creek subwatershed (HUC12 170103040402), Flemming Creek-St Joe River subwatershed (HUC12 170103040601), Lower Marble Creek subwatershed (HUC12 170103040505) 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	Unnamed Stream	Black Prince Creek	46N	03E	12	NESE	L 3
003	Unnamed Stream	Black Prince Creek	46N	03E	23		
004	Unnamed Stream	Black Prince Creek	46N	03E	23		
005	Black Prince Creek	Saint Joe River	46N	03E	24		
006	Unnamed Stream	Black Prince Creek	46N	03E	24		
007	Unnamed Stream	Black Prince Creek	46N	03E	24		
008	Unnamed Stream	Black Prince Creek	46N	03E	24		
009	Unnamed Stream	Black Prince Creek	46N	03E	24		
010	Unnamed Stream	Black Prince Creek	46N	03E	24		
011	Unnamed Stream	Black Prince Creek	46N	03E	24		
012	Unnamed Stream	Black Prince Creek	46N	03E	24		
013	Unnamed Stream	Black Prince Creek	46N	03E	24		
014	Unnamed Stream	Black Prince Creek	46N	03E	24		
015	Unnamed Stream	Black Prince Creek	46N	03E	24		
016	Unnamed Stream	Black Prince Creek	46N	03E	24		
017	Unnamed Stream	Black Prince Creek	46N	03E	24		
018	Unnamed Stream	Black Prince Creek	46N	03E	24		
019	Francis Creek	Saint Joe River	46N	03E	26		
020	Unnamed Stream	Black Prince Creek	46N	03E	26		
021	Unnamed Stream	Black Prince Creek	46N	03E	26		
022	Unnamed Stream	Black Prince Creek	46N	03E	26		
023	Unnamed Stream	Black Prince Creek	46N	03E	26		
024	Unnamed Stream	Black Prince Creek	46N	03E	26		
025	Unnamed Stream	Black Prince Creek	46N	03E	26		
026	Unnamed Stream	Black Prince Creek	46N	03E	26		
027	Unnamed Stream	Francis Creek	46N	03E	26		
028	Mud Cabin Creek	Saint Joe River	46N	03E	28		

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	Mud Cabin Creek	46N	03E	28		
030	Unnamed Stream	Mud Cabin Creek	46N	03E	32		
031	Agatha Creek	Francis Creek	46N	03E	34		
032	Francis Creek	Saint Joe River	46N	03E	34		
033	Unnamed Stream	Agatha Creek	46N	03E	34		
034	Black Prince Creek	Saint Joe River	46N	03E	35		
035	Unnamed Stream	Black Prince Creek	46N	03E	35		
036	Unnamed Stream	Black Prince Creek	46N	03E	35		
037	Unnamed Stream	Black Prince Creek	46N	03E	35		
038	Unnamed Stream	Black Prince Creek	46N	03E	35		
039	Unnamed Stream	Black Prince Creek	46N	03E	35		
040	Black Prince Creek	Saint Joe River	46N	03E	36		
041	Unnamed Stream	Black Prince Creek	46N	03E	36		
042	Unnamed Stream	Black Prince Creek	46N	03E	36		
043	Unnamed Stream	Tank Creek	46N	03E	36		
044	Black Prince Creek	Saint Joe River	46N	04E	08		
045	Unnamed Stream	Black Prince Creek	46N	04E	08		
046	Unnamed Stream	Black Prince Creek	46N	04E	18	NENE	
047	Unnamed Stream	Black Prince Creek	46N	04E	18	NESE	
048	Black Prince Creek	Saint Joe River	46N	04E	18	NWNE	
049	Unnamed Stream	Black Prince Creek	46N	04E	18	NWNE	
050	Unnamed Stream	Black Prince Creek	46N	04E	18	NWNE	
051	Unnamed Stream	Black Prince Creek	46N	04E	18	NWSE	
052	Unnamed Stream	Black Prince Creek	46N	04E	18	SENE	
053	Unnamed Stream	Black Prince Creek	46N	04E	18	SESE	
054	Unnamed Stream	Black Prince Creek	46N	04E	18	SESE	
055	Black Prince Creek	Saint Joe River	46N	04E	18	SESW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
056	Unnamed Stream	Black Prince Creek	46N	04E	18	SESW	
057	Black Prince Creek	Saint Joe River	46N	04E	18	SWNE	
058	Unnamed Stream	Black Prince Creek	46N	04E	18	SWNE	
059	Unnamed Stream	Black Prince Creek	46N	04E	18	SWNW	L 2
060	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
061	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
062	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
063	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
064	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
065	Black Prince Creek	Saint Joe River	46N	04E	18	SWSW	L 4
066	Unnamed Stream	Black Prince Creek	46N	04E	20		
067	Unnamed Stream	Black Prince Creek	46N	04E	30	NWNE	
068	Unnamed Stream	Harvey Creek	46N	04E	30	NWSE	
069	Unnamed Stream	Black Prince Creek	46N	04E	30	NWSW	L 3
070	Unnamed Stream	Harvey Creek	46N	04E	30	SWSE	
071	Unnamed Stream	Black Prince Creek	46N	04E	30	SWSW	L 4
072	Harvey Creek	Saint Joe River	46N	04E	31	NWSE	
073	Unnamed Stream	Blackjack Creek	46N	04E	31	SESE	
074	Harvey Creek	Saint Joe River	46N	04E	31	SWNE	
075	Harvey Creek	Saint Joe River	46N	04E	31	SWSE	
076	Unnamed Pond	Black Prince Creek	46N	04E	18		

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		

