

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. 92-11068C

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 Emerald Creek subwatershed (HUC12 170103040801).

QUANTITY: 1.000 CFS
19.80 AFY

The quantity under this water right is limited to up to 19.800 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. 92-11067A thru 92-11075 and 92-11080A thru 92-11081D.

See Attachment 2.

Right Nos. 92-11068A, 92-11068B, 92-11068C, 92-11068D, 92-11068E, 92-11068F, 92-11068G, 92-11068H, 92-11068I, 92-11068J, 92-11068K, 92-11068L, 92-11068M, 92-11068N, 92-11068O and 92-11077 are limited to a total combined annual diversion volume of 19.80 acre feet.

PRIORITY DATE: 12/17/1929

POINT OF DIVERSION: See Attachment 1, Columns C through G

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	ADMINISTRATIVE	01/01 - 12/31	1.000 CFS 19.80 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 Emerald Creek subwatershed (HUC12 170103040801), Olson Creek-St Maries River subwatershed (HUC12 170103040802), West Fork St Maries River subwatershed (HUC12 170103040703), Nez Perce Clearwater National Forest Headwaters Palouse River subwatershed (HUC12 170601080101), West Fork Potlatch River-Potlatch River subwatershed (HUC12 170603060802) and Carpenter Creek (HUC12 170103040803).

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	West Fork Emerald Creek	42N	01W	10	NESE	
003	Post Creek	East Fork Emerald Creek	42N	01W	10	SESE	
004	Swamp Creek	East Fork Emerald Creek	42N	01W	11	NENE	
005	Swamp Creek	East Fork Emerald Creek	42N	01W	11	NESE	
006	Unnamed Stream	Swamp Creek	42N	01W	11	NESE	
007	Unnamed Stream	Swamp Creek	42N	01W	11	NESE	
008	Unnamed Stream	Post Creek	42N	01W	11	NESW	
009	Unnamed Stream	Swamp Creek	42N	01W	11	NWSE	
010	Unnamed Stream	Post Creek	42N	01W	11	NWSW	
011	Swamp Creek	East Fork Emerald Creek	42N	01W	11	SESE	
012	Unnamed Stream	Post Creek	42N	01W	11	SESW	
013	Unnamed Stream	Post Creek	42N	01W	11	SESW	
014	Unnamed Stream	Post Creek	42N	01W	11	SESW	
015	Post Creek	East Fork Emerald Creek	42N	01W	11	SWSW	
016	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	NENE	
017	Unnamed Stream	Flat Creek	42N	01W	12	NENW	
018	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	NESE	
019	Unnamed Stream	Flat Creek	42N	01W	12	NESE	
020	Flat Creek	East Fork Emerald Creek	42N	01W	12	NWNE	
021	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	NWNE	
022	Swamp Creek	East Fork Emerald Creek	42N	01W	12	NWNW	
023	Unnamed Stream	Flat Creek	42N	01W	12	NWNW	
024	Unnamed Stream	Swamp Creek	42N	01W	12	NWNW	
025	Flat Creek	East Fork Emerald Creek	42N	01W	12	NWSE	
026	Unnamed Stream	Flat Creek	42N	01W	12	NWSE	
027	Unnamed Stream	Flat Creek	42N	01W	12	NWSE	
028	Unnamed Stream	Flat Creek	42N	01W	12	NWSE	
029	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	SENE	
030	Unnamed Stream	Flat Creek	42N	01W	12	SENE	
031	Unnamed Stream	Flat Creek	42N	01W	12	SENE	
032	Unnamed Stream	Flat Creek	42N	01W	12	SENW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
033	Unnamed Stream	Flat Creek	42N	01W	12	SENW	
034	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	SESE	
035	Unnamed Stream	Flat Creek	42N	01W	12	SESW	
036	Flat Creek	East Fork Emerald Creek	42N	01W	12	SWNE	
037	Unnamed Stream	Flat Creek	42N	01W	12	SWNE	
038	Unnamed Stream	Flat Creek	42N	01W	12	SWNW	
039	Unnamed Stream	Flat Creek	42N	01W	12	SWNW	
040	Unnamed Stream	Flat Creek	42N	01W	12	SWNW	
041	Unnamed Stream	Swamp Creek	42N	01W	12	SWNW	
042	Swamp Creek	East Fork Emerald Creek	42N	01W	12	SWSW	
043	Unnamed Stream	East Fork Emerald Creek	42N	01W	13	NENE	
044	East Fork Emerald Creek	Emerald Creek	42N	01W	13	NESE	
045	East Fork Emerald Creek	Emerald Creek	42N	01W	13	NESW	
046	Highline Creek	East Fork Emerald Creek	42N	01W	13	NESW	
047	Swamp Creek	East Fork Emerald Creek	42N	01W	13	NESW	
048	Swamp Creek	East Fork Emerald Creek	42N	01W	13	NWNW	
049	Unnamed Stream	Swamp Creek	42N	01W	13	NWNW	
050	East Fork Emerald Creek	Emerald Creek	42N	01W	13	NWSW	
051	East Fork Emerald Creek	Emerald Creek	42N	01W	13	SENE	
052	Flat Creek	East Fork Emerald Creek	42N	01W	13	SENE	
053	Swamp Creek	East Fork Emerald Creek	42N	01W	13	SENW	
054	Highline Creek	East Fork Emerald Creek	42N	01W	13	SESW	
055	Unnamed Stream	Highline Creek	42N	01W	13	SESW	
056	Unnamed Stream	Highline Creek	42N	01W	13	SESW	
057	Unnamed Stream	Highline Creek	42N	01W	13	SESW	
058	East Fork Emerald Creek	Emerald Creek	42N	01W	13	SWNW	
059	Swamp Creek	East Fork Emerald Creek	42N	01W	13	SWNW	
060	Unnamed Stream	East Fork Emerald Creek	42N	01W	13	SWNW	
061	East Fork Emerald Creek	Emerald Creek	42N	01W	14		
062	Post Creek	East Fork Emerald Creek	42N	01W	14		
063	Unnamed Stream	East Fork Emerald Creek	42N	01W	14		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
064	Unnamed Stream	East Fork Emerald Creek	42N	01W	14		
065	Unnamed Stream	Highline Creek	42N	01W	14		
066	Unnamed Stream	Post Creek	42N	01W	14		
067	Unnamed Stream	Post Creek	42N	01W	14		
068	Unnamed Stream	Swamp Creek	42N	01W	14		
069	Post Creek	East Fork Emerald Creek	42N	01W	15	NENE	
070	Unnamed Stream	Post Creek	42N	01W	15	NENE	
071	Unnamed Stream	Post Creek	42N	01W	15	NENE	
072	Post Creek	East Fork Emerald Creek	42N	01W	15	NWNE	
073	Unnamed Stream	Post Creek	42N	01W	15	NWNE	
074	Unnamed Stream	Post Creek	42N	01W	15	NWNE	
075	Unnamed Stream	Post Creek	42N	01W	15	NWNE	
076	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	NWSE	
077	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	SENE	
078	Unnamed Stream	Post Creek	42N	01W	15	SENE	
079	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	SWNE	
080	East Fork Emerald Creek	Emerald Creek	42N	01W	15	SWSE	
081	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	SWSE	
082	Highline Creek	East Fork Emerald Creek	42N	01W	23	NENE	
083	Unnamed Stream	Highline Creek	42N	01W	23	NENE	
084	Highline Creek	East Fork Emerald Creek	42N	01W	24	NENW	
085	Unnamed Stream	Highline Creek	42N	01W	24	NENW	
086	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
087	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
088	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
089	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
090	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
091	Highline Creek	East Fork Emerald Creek	42N	01W	24	NWNW	
092	Unnamed Stream	Highline Creek	42N	01W	24	NWNW	
093	Unnamed Stream	Highline Creek	42N	01W	24	SENW	
094	Unnamed Stream	Highline Creek	42N	01W	24	SWNE	

Attachment 2

92-11067	A	92-11072	E
92-11067	B	92-11072	F
92-11067	C	92-11072	G
92-11067	D	92-11072	H
92-11067	E	92-11072	I
92-11067	F	92-11072	J
92-11067	G	92-11072	K
92-11067	H	92-11072	L
92-11067	I	92-11073	A
92-11067	J	92-11073	B
92-11067	K	92-11073	C
92-11067	L	92-11073	D
92-11067	M	92-11073	E
92-11067	N	92-11074	
92-11067	O	92-11075	
92-11067	P	92-11080	A
92-11068	A	92-11080	B
92-11068	B	92-11080	C
92-11068	C	92-11080	D
92-11068	D	92-11080	E
92-11068	E	92-11080	F
92-11068	F	92-11080	G
92-11068	G	92-11080	H
92-11068	H	92-11080	I
92-11068	I	92-11080	J
92-11068	J	92-11081	A
92-11068	K	92-11081	B
92-11068	L	92-11081	C
92-11068	M	92-11081	D
92-11068	N		
92-11068	O		
92-11069	A		
92-11069	B		
92-11069	C		
92-11069	D		
92-11069	E		
92-11069	F		
92-11069	G		
92-11070	A		
92-11070	B		
92-11071	A		
92-11071	B		
92-11071	C		
92-11071	D		
92-11071	E		
92-11071	F		
92-11072	A		
92-11072	B		
92-11072	C		
92-11072	D		

