

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. 92-11069A

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 Olson Creek-St Maries River subwatershed (HUC12 170103040802).

QUANTITY: 1.000 CFS
5.100 AFY

The quantity under this water right is limited to up to 5.100 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. 92-11069A, 92-11069B, 92-11069C, 92-11069D, 92-11069E, 92-11069F and 92-11069G are limited to a total combined annual diversion volume of 5.100 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 5.100 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 Olson Creek-St Maries River subwatershed (HUC12 170103040802), Crystal Creek-St Maries River subwatershed (HUC12 170103040805), Carpenter Creek subwatershed (HUC12 170103040803), Emerald Creek subwatershed (HUC12 170103040801), West Fork St Maries River subwatershed (HUC12 170103040703), Merry Creek-Middle Fork St Maries River subwatershed (HUC12 170103040702), Bussel Creek subwatershed (HUC12 170103040502) 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	Saint Maries River	42N	01E	01	NENE	L 1
003	Unnamed Stream	Saint Maries River	42N	01E	01	NENW	L 3
004	Unnamed Stream	Saint Maries River	42N	01E	01	NENW	L 3
005	Unnamed Stream	Saint Maries River	42N	01E	01	NWNE	L 2
006	Unnamed Stream	Cedar Creek	42N	01E	01	NWNW	L 4
007	Unnamed Stream	Saint Maries River	42N	01E	01	NWSE	
008	Unnamed Stream	Saint Maries River	42N	01E	01	SENE	
009	Unnamed Stream	Saint Maries River	42N	01E	01	SENE	
010	Unnamed Stream	Saint Maries River	42N	01E	01	SENE	
011	Unnamed Stream	Cedar Creek	42N	01E	01	SENW	
012	Unnamed Stream	Saint Maries River	42N	01E	01	SENW	
013	Unnamed Stream	Saint Maries River	42N	01E	01	SENW	
014	Unnamed Stream	Saint Maries River	42N	01E	01	SWNE	
015	Unnamed Stream	Saint Maries River	42N	01E	01	SWNE	
016	Blair Creek	Saint Maries River	43N	01E	25		
017	Cedar Creek	Saint Maries River	43N	01E	25		
018	Saint Maries River	St. Joe River	43N	01E	25		
019	Unnamed Stream	Saint Maries River	43N	01E	25		
020	Unnamed Stream	Saint Maries River	43N	01E	25		
021	Unnamed Stream	Cedar Creek	43N	01E	34		
022	Unnamed Stream	Cedar Creek	43N	01E	35	NWSW	
023	Unnamed Stream	Cedar Creek	43N	01E	35	NWSW	
024	Unnamed Stream	Cedar Creek	43N	01E	35	SWSW	
025	Unnamed Stream	Cedar Creek	43N	01E	35	SWSW	
026	Unnamed Stream	Blair Creek	43N	02E	20		
027	Unnamed Stream	Saint Maries River	43N	02E	31	NENE	
028	Unnamed Stream	Saint Maries River	43N	02E	31	NENW	

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	Saint Maries River	43N	02E	31	NENW	
030	Unnamed Stream	Saint Maries River	43N	02E	31	NESE	
031	Unnamed Stream	Saint Maries River	43N	02E	31	NWNE	
032	Unnamed Stream	Saint Maries River	43N	02E	31	NWNW	L 1
033	Unnamed Stream	Saint Maries River	43N	02E	31	NWNW	L 1
034	Unnamed Stream	Saint Maries River	43N	02E	31	NWSE	
035	Unnamed Stream	Saint Maries River	43N	02E	31	SENE	
036	Unnamed Stream	Saint Maries River	43N	02E	31	SESE	
037	Unnamed Stream	Saint Maries River	43N	02E	31	SWNE	
038	Saint Maries River	St. Joe River	43N	02E	31	SWSE	
039	Unnamed Stream	Saint Maries River	43N	02E	31	SWSE	

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		

