

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. 92-11069B

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: 08/01/1933

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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Unnamed Stream	Saint Maries River	42N	01E	1	NESE	
3	Unnamed Stream	Cedar Creek	42N	01E	1	NESW	
4	Unnamed Stream	Saint Maries River	42N	01E	1	NESW	
5	Unnamed Stream	Cedar Creek	42N	01E	1	NWSW	
6	Unnamed Stream	Cedar Creek	42N	01E	1	SWNW	
7	Unnamed Stream	Cedar Creek	42N	01E	1	SWNW	
8	Unnamed Stream	Cedar Creek	42N	01E	1	SWNW	
9	Unnamed Stream	Cedar Creek	42N	01E	1	SWNW	
10	Unnamed Stream	Cedar Creek	42N	01E	1	SWNW	
11	Unnamed Stream	Cedar Creek	42N	01E	1	SWNW	
12	Unnamed Stream	Cedar Creek	42N	01E	1	SWSW	
13	Unnamed Stream	Cedar Creek	42N	01E	2	NENE	L 1
14	Cedar Creek	Saint Maries River	42N	01E	2	NESE	
15	Unnamed Stream	Cedar Creek	42N	01E	2	NESE	
16	Unnamed Stream	Cedar Creek	42N	01E	2	NESE	
17	Unnamed Stream	Cedar Creek	42N	01E	2	NESW	
18	Cedar Creek	Saint Maries River	42N	01E	2	NWNE	L 2
19	Unnamed Stream	Cedar Creek	42N	01E	2	NWNE	L 2
20	Unnamed Stream	Cedar Creek	42N	01E	2	NWNE	L 2
21	Unnamed Stream	Cedar Creek	42N	01E	2	NWSE	
22	Unnamed Stream	Cedar Creek	42N	01E	2	NWSE	
23	Unnamed Stream	Cedar Creek	42N	01E	2	NWSE	
24	Unnamed Stream	Cedar Creek	42N	01E	2	NWSW	
25	Unnamed Stream	Cedar Creek	42N	01E	2	NWSW	
26	Unnamed Stream	Cedar Creek	42N	01E	2	NWSW	
27	Cedar Creek	Cedar Creek	42N	01E	2	SENE	
28	Unnamed Stream	Cedar Creek	42N	01E	2	SENE	
29	Unnamed Stream	Cedar Creek	42N	01E	2	SENE	
30	Unnamed Stream	Cedar Creek	42N	01E	2	SENE	
31	Unnamed Stream	Cedar Creek	42N	01E	2	SENE	
32	Cedar Creek	Cedar Creek	42N	01E	2	SESE	
33	Unnamed Stream	Cedar Creek	42N	01E	2	SESE	
34	Unnamed Stream	Cedar Creek	42N	01E	2	SESE	
35	Unnamed Stream	Cedar Creek	42N	01E	2	SESW	
36	Unnamed Stream	Cedar Creek	42N	01E	2	SWNW	
37	Unnamed Stream	Cedar Creek	42N	01E	2	SWNW	
38	Unnamed Stream	Cedar Creek	42N	01E	2	SWNW	
39	Unnamed Stream	Cedar Creek	42N	01E	2	SWSE	
40	Unnamed Stream	Cedar Creek	42N	01E	2	SWSE	
41	Unnamed Stream	Cedar Creek	42N	01E	2	SWSW	
42	Unnamed Stream	Cedar Creek	42N	01E	3	SENE	
43	Cedar Creek	Saint Maries River	42N	01E	11		

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		

