

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. 91-07970B

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 North Fork-St Joe River subwatershed (HUC12 170103040203).

QUANTITY: 1.000 CFS
37.10 AFY

The quantity under this water right is limited to up to 37.100 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. 91-07963A through 91-07994D.

See Attachment 2.

Right nos. 91-07970A, 91-07970B, 91-07970C and 91-07970D are limited to a total combined annual diversion volume of 37.100 acre feet.

PRIORITY DATE: 11/13/1945

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 37.10 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 North Fork St Joe River subwatershed (HUC12 170103040203), Upper North Fork St Joe River subwatershed (HUC12 170103040202), Upper Slate Creek subwatershed (HUC12 170103040401), Flemming Creek-St Joe River subwatershed (HUC12 170103040601) Siwash Creek-St Joe River subwatershed (HUC12 170103040308) and Loop Creek subwatershed (HUC12 170103040201).

See Attachment 3.

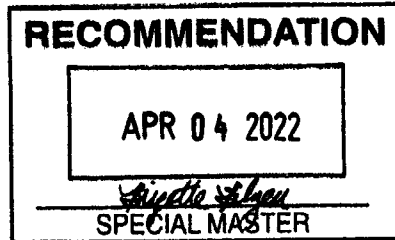
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	North Fork St Joe River	45N	05E	03		
003	Unnamed Stream	North Fork St Joe River	45N	05E	03		
004	Unnamed Stream	North Fork St Joe River	45N	05E	03		
005	Unnamed Stream	North Fork St Joe River	45N	05E	03		
006	Unnamed Stream	North Fork St Joe River	45N	05E	11	NWNW	
007	Unnamed Stream	North Fork St Joe River	45N	05E	11	SWNW	
008	Telichpah Creek	North Fork St Joe River	45N	06E	05	NENE	L 8
009	Unnamed Stream	Telichpah Creek	45N	06E	05	NENE	L 1
010	Unnamed Stream	Telichpah Creek	45N	06E	05	NENE	L 8
011	Unnamed Stream	Telichpah Creek	45N	06E	05	NENW	L 6
012	Unnamed Stream	Telichpah Creek	45N	06E	05	NWNE	L 2
013	Unnamed Stream	Telichpah Creek	45N	06E	05	NWNE	L 7
014	Unnamed Stream	Nelson Creek	45N	06E	07		
015	Unnamed Stream	Rye Creek	46N	05E	01		
016	Rye Creek	North Fork St Joe River	46N	05E	11		
017	Unnamed Stream	Kyle Creek	46N	05E	11		
018	Unnamed Stream	Kyle Creek	46N	05E	11		
019	Kyle Creek	North Fork St Joe River	46N	05E	13		
020	North Fork St Joe River	St Joe River	46N	05E	13		
021	Rye Creek	North Fork St Joe River	46N	05E	13		
022	Kyle Creek	North Fork St Joe River	46N	05E	15		
023	Unnamed Stream	Kyle Creek	46N	05E	15		
024	Unnamed Stream	Kyle Creek	46N	05E	15		
025	Hammond Creek	North Fork St Joe River	46N	05E	21		
026	Unnamed Stream	Hammond Creek	46N	05E	21		
027	Unnamed Stream	Hammond Creek	46N	05E	23		
028	Unnamed Stream	Hammond Creek	46N	05E	23		
029	Unnamed Stream	Hammond Creek	46N	05E	23		
030	Unnamed Stream	North Fork St Joe River	46N	05E	23		
031	Unnamed Stream	Motor Creek	46N	05E	25	NENE	
032	North Fork St Joe River	St Joe River	46N	05E	25	NENW	
033	Unnamed Stream	North Fork St Joe River	46N	05E	25	NENW	
034	Hammond Creek	North Fork St Joe River	46N	05E	25	NWSW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
035	North Fork St Joe River	St Joe River	46N	05E	25	NWSW	
036	Motor Creek	North Fork St Joe River	46N	05E	25	SENE	
037	Unnamed Stream	Motor Creek	46N	05E	25	SENE	
038	Telichpah Creek	North Fork St Joe River	46N	05E	25	SESE	
039	North Fork St Joe River	St Joe River	46N	05E	25	SESW	
040	Telichpah Creek	North Fork St Joe River	46N	05E	25	SESW	
041	Hammond Creek	North Fork St Joe River	46N	05E	25	SWNW	
042	Telichpah Creek	North Fork St Joe River	46N	05E	25	SWSE	
043	North Fork St Joe River	St Joe River	46N	05E	25	SWSW	
044	Telichpah Creek	North Fork St Joe River	46N	05E	25	SWSW	
045	Hammond Creek	North Fork St Joe River	46N	05E	27		
046	Unnamed Stream	Hammond Creek	46N	05E	27		
047	Unnamed Stream	Hammond Creek	46N	05E	27		
048	Unnamed Stream	Hammond Creek	46N	05E	27		
049	Unnamed Stream	Hammond Creek	46N	05E	27		
050	Unnamed Stream	Hammond Creek	46N	05E	27		
051	Unnamed Stream	Hammond Creek	46N	05E	27		
052	Unnamed Stream	Hammond Creek	46N	05E	27		
053	Unnamed Stream	Hammond Creek	46N	05E	27		
054	Stetson Creek	North Fork St Joe River	46N	05E	35	NENW	
055	Unnamed Stream	North Fork St Joe River	46N	05E	35	NESE	
056	Stetson Creek	North Fork St Joe River	46N	05E	35	NWNE	
057	Unnamed Stream	Stetson Creek	46N	05E	35	NWNE	
058	Unnamed Stream	North Fork St Joe River	46N	05E	35	NWSE	
059	Unnamed Stream	Stetson Creek	46N	05E	35	NWSW	
060	Stetson Creek	North Fork St Joe River	46N	05E	35	SENW	
061	Unnamed Stream	North Fork St Joe River	46N	05E	35	SESW	
062	Stetson Creek	North Fork St Joe River	46N	05E	35	SWNW	
063	Unnamed Stream	Stetson Creek	46N	05E	35	SWNW	
064	Unnamed Stream	North Fork St Joe River	46N	05E	35	SWSE	
065	Unnamed Stream	North Fork St Joe River	46N	05E	35	SWSW	
066	Loop Creek	North Fork St Joe River	46N	06E	07	NENE	
067	North Fork St Joe River	St Joe River	46N	06E	07	NENE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
068	North Fork St Joe River	St Joe River	46N	06E	07	NENE	
069	Unnamed Stream	North Fork St Joe River	46N	06E	07	NESW	
070	Unnamed Stream	North Fork St Joe River	46N	06E	07	NESW	
071	North Fork St Joe River	St Joe River	46N	06E	07	NWSE	
072	Unnamed Stream	North Fork St Joe River	46N	06E	07	NWSE	
073	Unnamed Stream	North Fork St Joe River	46N	06E	07	NWSW	L 3
074	North Fork St Joe River	St Joe River	46N	06E	07	SENE	
075	Unnamed Stream	North Fork St Joe River	46N	06E	07	SENE	
076	Long Liz Creek	North Fork St Joe River	46N	06E	07	SESE	
077	Unnamed Stream	Long Liz Creek	46N	06E	07	SESE	
078	North Fork St Joe River	St Joe River	46N	06E	07	SWSE	
079	North Fork St Joe River	St Joe River	46N	06E	07	SWSW	L 4
080	Long Liz Creek	North Fork St Joe River	46N	06E	09		
081	Long Liz Creek	North Fork St Joe River	46N	06E	15		
082	Big Dick Creek	North Fork St Joe River	46N	06E	17		
083	Long Liz Creek	North Fork St Joe River	46N	06E	17		
084	Unnamed Stream	Big Dick Creek	46N	06E	17		
085	Unnamed Stream	Big Dick Creek	46N	06E	17		
086	Unnamed Stream	Long Liz Creek	46N	06E	17		
087	Unnamed Stream	Long Liz Creek	46N	06E	17		
088	Unnamed Stream	North Fork St Joe River	46N	06E	17		
089	Motor Creek	North Fork St Joe River	46N	06E	19		
090	Unnamed Stream	Motor Creek	46N	06E	19		
091	Unnamed Stream	North Fork St Joe River	46N	06E	19		
092	Unnamed Stream	North Fork St Joe River	46N	06E	19		
093	Big Dick Creek	North Fork St Joe River	46N	06E	21		
094	Unnamed Stream	Big Dick Creek	46N	06E	21		
095	Unnamed Stream	Big Dick Creek	46N	06E	21		
096	Unnamed Stream	Big Dick Creek	46N	06E	21		
097	Unnamed Stream	Big Dick Creek	46N	06E	21		
098	Unnamed Stream	Big Dick Creek	46N	06E	21		
099	Unnamed Stream	Big Dick Creek	46N	06E	21		
100	Unnamed Stream	Telichpah Creek	46N	06E	29		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
101	Unnamed Stream	Telichpah Creek	46N	06E	29		
102	Unnamed Stream	Telichpah Creek	46N	06E	29		
103	Unnamed Stream	Telichpah Creek	46N	06E	29		
104	Telichpah Creek	North Fork St Joe River	46N	06E	31		
105	Unnamed Stream	North Fork St Joe River	46N	06E	31		
106	Unnamed Stream	Telichpah Creek	46N	06E	31		
107	Unnamed Stream	Telichpah Creek	46N	06E	31		
108	Unnamed Stream	Telichpah Creek	46N	06E	31		
109	Telichpah Creek	North Fork St Joe River	46N	06E	33		
110	Unnamed Stream	Telichpah Creek	46N	06E	33		
111	Unnamed Stream	Telichpah Creek	46N	06E	33		
112	Unnamed Pond	Long Liz Creek	46N	06E	07		

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		

Attachment 3

