

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. 91-07981D

**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 Upper Marble Creek subwatershed (HUC12 170103040501).

**QUANTITY:** 1.000 CFS  
 37.30 AFY

The quantity under this water right is limited to up to 37.300 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. 91-07981A, 91-07981B, 91-07981C, 91-07981D, 91-07981E, 91-07981F, 91-07981G, 91-07981H, 91-07981I, 91-07981J, 91-07981K, 91-07981L, 91-07981M, 91-07981N, 91-07981O, 91-07981P and 91-07981Q are limited to a total combined annual diversion volume of 37.300 acre feet.

**PRIORITY DATE:** 10/20/1932

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

<b>PURPOSE AND PERIOD OF USE:</b>	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	ADMINISTRATIVE	01/01 - 12/31	1.000 CFS 37.30 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 Upper Marble Creek (HUC12 170103040501), Middle Marble Creek subwatershed (HUC12 170103040503), Lower Marble Creek subwatershed (HUC12 170103040505), Boulder Creek subwatershed (HUC12 170103040504), Fishhook Creek subwatershed (HUC12 170103040307), Middle Fork St Maries River subwatershed (HUC12 170103040701), Lost Lake-Little North Fork Clearwater River subwatershed (HUC12 170603080101), Floodwood Creek subwatershed (HUC12 170603080203) and Grover Creek subwatershed (HUC12 170603080201).

See Attachment 3.

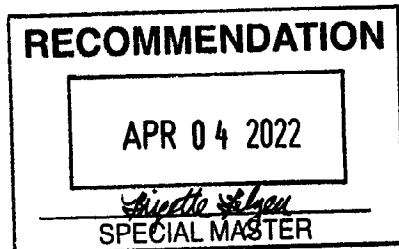
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	Homestead Creek	Marble Creek	43N	03E	2		
3	Marble Creek	Marble Creek	43N	03E	2		
4	Marble Creek	St Joe River	43N	03E	2		
5	McGuire Creek	Marble Creek	43N	03E	2		
6	Unnamed Stream	Marble Creek	43N	03E	2		
7	Cornwall Creek	Marble Creek	43N	03E	3		
8	Marble Creek	Marble Creek	43N	03E	3		
9	Unnamed Stream	Cornwall Creek	43N	03E	3		
10	Unnamed Stream	Cornwall Creek	43N	03E	3		
11	Cornwall Creek	Marble Creek	43N	03E	10	NENE	
12	Unnamed Stream	Cornwall Creek	43N	03E	10	NENE	
13	Unnamed Stream	Cornwall Creek	43N	03E	10	NESE	
14	Unnamed Stream	Cornwall Creek	43N	03E	10	NWSE	
15	Cornwall Creek	Marble Creek	43N	03E	10	SENE	
16	Unnamed Stream	Cornwall Creek	43N	03E	10	SENE	
17	Unnamed Stream	Cornwall Creek	43N	03E	10	SENW	
18	Unnamed Stream	Cornwall Creek	43N	03E	10	SWNE	
19	Cornwall Creek	Marble Creek	43N	03E	11	NWNW	
20	Cornwall Creek	Marble Creek	43N	03E	11	NWSW	
21	Unnamed Stream	Cornwall Creek	43N	03E	11	NWSW	
22	Unnamed Stream	Cornwall Creek	43N	03E	11	SENW	
23	Cornwall Creek	Marble Creek	43N	03E	11	SWNW	
24	Unnamed Stream	Cornwall Creek	43N	03E	11	SWNW	
25	Marble Creek	St Joe River	43N	03E	12	NENE	
26	Unnamed Stream	Marble Creek	43N	03E	12	NENE	
27	Unnamed Stream	Marble Creek	43N	03E	12	NESE	
28	Unnamed Stream	Marble Creek	43N	03E	12	NWNE	
29	Unnamed Stream	Marble Creek	43N	03E	12	NWNW	
30	Unnamed Stream	Marble Creek	43N	03E	12	NWSW	
31	Unnamed Stream	Marble Creek	43N	03E	12	SENE	
32	Unnamed Stream	Marble Creek	43N	03E	12	SESE	
33	Unnamed Stream	Marble Creek	43N	03E	12	SWNE	
34	Unnamed Stream	Marble Creek	43N	03E	12	SWNW	
35	Unnamed Stream	Marble Creek	43N	03E	12	SWNW	
36	Unnamed Stream	Marble Creek	43N	03E	12	SWSE	
37	Unnamed Stream	Marble Creek	43N	03E	13	NENE	
38	Unnamed Stream	Marble Creek	43N	03E	13	NENW	
39	Unnamed Stream	Marble Creek	43N	03E	13	NWNE	
40	Unnamed Stream	Marble Creek	43N	03E	13	SENW	
41	Freezeout Creek	Marble Creek	43N	03E	25	NENW	
42	Unnamed Stream	Freezeout Creek	43N	03E	25	NENW	
43	Freezeout Creek	Marble Creek	43N	03E	25	NWNW	
44	Unnamed Stream	Freezeout Creek	43N	03E	25	NWNW	
45	Unnamed Stream	Freezeout Creek	43N	03E	25	NWNW	
46	Duplex Creek	Marble Creek	43N	04E	6		
47	Marble Creek	St Joe River	43N	04E	6		
48	Unnamed Stream	Duplex Creek	43N	04E	6		
49	Unnamed Stream	Duplex Creek	43N	04E	6		
50	Unnamed Stream	Marble Creek	43N	04E	6		
51	Unnamed Stream	Marble Creek	43N	04E	6		
52	Unnamed Stream	Marble Creek	43N	04E	7	NENW	
53	Unnamed Stream	Marble Creek	43N	04E	7	NWNE	

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
54	Marble Creek	St Joe River	43N	04E	7	NWNW	L 1
55	Unnamed Stream	Marble Creek	43N	04E	7	NWNW	L 1
56	Unnamed Stream	Marble Creek	43N	04E	7	NWNW	L 1
57	Marble Creek	St Joe River	43N	04E	7	NWSW	L 3
58	Unnamed Stream	Marble Creek	43N	04E	7	NWSW	L 3
59	Marble Creek	St Joe River	43N	04E	7	SENW	
60	Unnamed Stream	Marble Creek	43N	04E	7	SENW	
61	Marble Creek	St Joe River	43N	04E	7	SESW	
62	Unnamed Stream	Marble Creek	43N	04E	7	SWNE	
63	Marble Creek	St Joe River	43N	04E	7	SWNW	L 2
64	Marble Creek	St Joe River	43N	04E	7	SWSW	L 4
65	Unnamed Stream	Delaney Creek	43N	04E	17	NESE	
66	Unnamed Stream	Swing Creek	43N	04E	17	SENW	
67	Unnamed Stream	Delaney Creek	43N	04E	17	SESE	
68	Unnamed Stream	Delaney Creek	43N	04E	17	SESE	
69	Unnamed Stream	Delaney Creek	43N	04E	17	SESW	
70	Unnamed Stream	Swing Creek	43N	04E	17	SWNW	
71	Unnamed Stream	Delaney Creek	43N	04E	17	SWSE	
72	Freezeout Creek	Marble Creek	43N	04E	18		
73	Marble Creek	St Joe River	43N	04E	18		
74	Swing Creek	Marble Creek	43N	04E	18		
75	Unnamed Stream	Freezeout Creek	43N	04E	18		
76	Unnamed Stream	Marble Creek	43N	04E	18		
77	Delaney Creek	Marble Creek	43N	04E	19		
78	Marble Creek	St Joe River	43N	04E	19		
79	Unnamed Stream	Freezeout Creek	43N	04E	19		
80	Unnamed Stream	Marble Creek	43N	04E	19		
81	Unnamed Stream	Marble Creek	43N	04E	19		
82	Unnamed Stream	Marble Creek	43N	04E	19		
83	Unnamed Stream	Marble Creek	43N	04E	19		
84	Unnamed Stream	Marble Creek	43N	04E	19		
85	Delaney Creek	Marble Creek	43N	04E	20		
86	Unnamed Stream	Delaney Creek	43N	04E	20		
87	Unnamed Stream	Delaney Creek	43N	04E	20		
88	Unnamed Stream	Delaney Creek	43N	04E	20		
89	Unnamed Stream	Delaney Creek	43N	04E	20		
90	Unnamed Stream	Delaney Creek	43N	04E	20		
91	Unnamed Stream	Delaney Creek	43N	04E	20		
92	Unnamed Stream	Delaney Creek	43N	04E	20		
93	Unnamed Stream	Delaney Creek	43N	04E	20		
94	Unnamed Stream	Marble Creek	43N	04E	20		
95	Unnamed Stream	Marble Creek	43N	04E	20		
96	Unnamed Stream	Marble Creek	43N	04E	29		
97	Marble Creek	St Joe River	43N	04E	30	NENE	
98	Marble Creek	St Joe River	43N	04E	30	NWNE	
99	Unnamed Stream	Marble Creek	43N	04E	30	NWNE	
100	Unnamed Stream	Marble Creek	43N	04E	30	NWNE	
101	Marble Creek	St Joe River	43N	04E	30	NWSE	
102	Unnamed Stream	Marble Creek	43N	04E	30	NWSE	
103	Unnamed Stream	Marble Creek	43N	04E	30	SENE	
104	Marble Creek	St Joe River	43N	04E	30	SWNE	
105	Unnamed Stream	Marble Creek	43N	04E	30	SWNE	

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
106	Marble Creek	St Joe River	43N	04E	30	SWSE	
107	Unnamed Pond	Cornwall Creek	43N	03E	10		
108	Unnamed Pond	Marble Creek	43N	04E	18		
109	Unnamed Spring	Swing Creek	43N	04E	17	SENW	

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

