

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. 91-07991B

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 Trout Creek subwatershed (HUC12 170103040606).

QUANTITY: 1.000 CFS
5.300 AFY

The quantity under this water right is limited to up to 5.300 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. 91-07991A, 91-07991B and 91-07991C are limited to a total combined annual diversion volume of 5.300 acre feet.

PRIORITY DATE: 12/22/1934

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 5.300 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 Trout Creek subwatershed (HUC12 170103040606), Falls Creek-St Joe River subwatershed (HUC12 170103040608), Big Creek subwatershed (HUC12 170103040602), Hugus Creek-St Joe River subwatershed (HUC12 170103040605) and West Fork Pine Creek-Pine Creek subwatershed (HUC12 170103020202).

See Attachment 3.

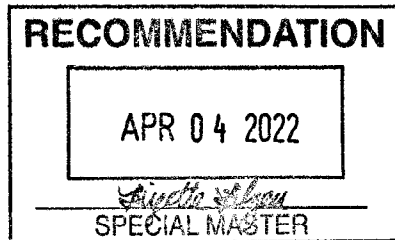
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	Trout Creek	46N	02E	3	NWNE	L 2
3	Unnamed Stream	Trout Creek	46N	02E	3	SENE	
4	Unnamed Stream	Trout Creek	46N	02E	3	SENE	
5	Unnamed Stream	Burnt Fork	46N	02E	3	SESE	
6	Unnamed Stream	Trout Creek	46N	02E	3	SWNE	
7	Burnt Fork	Trout Creek	46N	02E	3	SWSE	
8	Unnamed Stream	Burnt Fork	46N	02E	3	SWSE	
9	Unnamed Stream	Burnt Fork	46N	02E	3	SWSW	
10	Unnamed Stream	Trout Creek	46N	02E	4	NWNW	L 4
11	Unnamed Stream	Trout Creek	46N	02E	4	SWNW	
12	Unnamed Stream	Trout Creek	46N	02E	4	SWNW	
13	Stansbury Creek	Trout Creek	46N	02E	5	NENE	L 1
14	Trout Creek	Saint Joe River	46N	02E	5	NENE	L 1
15	Unnamed Stream	Trout Creek	46N	02E	5	NENE	L 1
16	Unnamed Stream	Trout Creek	46N	02E	5	SESE	
17	Unnamed Stream	Trout Creek	46N	02E	8	SESE	
18	Unnamed Stream	Burnt Fork	46N	02E	9	NESE	
19	Unnamed Stream	Trout Creek	46N	02E	9	NESW	
20	Unnamed Stream	Trout Creek	46N	02E	9	NWSE	
21	Unnamed Stream	Burnt Fork	46N	02E	9	SESE	
22	Unnamed Stream	Trout Creek	46N	02E	9	SESE	
23	Unnamed Stream	Burnt Fork	46N	02E	9	SWSE	
24	Unnamed Stream	Trout Creek	46N	02E	9	SWSW	
25	Unnamed Stream	Trout Creek	46N	02E	9	SWSW	
26	Burnt Fork	Trout Creek	46N	02E	10		
27	Unnamed Stream	Burnt Fork	46N	02E	10		
28	Unnamed Stream	Burnt Fork	46N	02E	10		
29	Unnamed Stream	Burnt Fork	46N	02E	10		
30	Unnamed Stream	Burnt Fork	46N	02E	10		
31	Unnamed Stream	Burnt Fork	46N	02E	10		
32	Unnamed Stream	Burnt Fork	46N	02E	10		
33	Unnamed Stream	Burnt Fork	46N	02E	10		
34	Unnamed Stream	Burnt Fork	46N	02E	10		
35	Unnamed Stream	Burnt Fork	46N	02E	10		
36	Burnt Fork	Trout Creek	46N	02E	15		
37	Unnamed Stream	Burnt Fork	46N	02E	15		
38	Unnamed Stream	Burnt Fork	46N	02E	15		
39	Unnamed Stream	Burnt Fork	46N	02E	15		
40	Unnamed Stream	Burnt Fork	46N	02E	15		
41	Unnamed Stream	Burnt Fork	46N	02E	15		
42	Unnamed Stream	Burnt Fork	46N	02E	15		
43	Unnamed Stream	Burnt Fork	46N	02E	15		

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

