

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. 91-07965B

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 Timber Creek-St Joe River subwatershed (HUC12 170103040103).

QUANTITY: 1.000 CFS  
 43.20 AFY  
 The quantity under this water right is limited to up to 43.200 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. 91-07965A, 91-07965B and 91-08017 are limited to a total combined annual diversion volume of 43.20 acre feet.

PRIORITY DATE: 12/18/1986

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	ADMINISTRATIVE	01/01 - 12/31	1.000 CFS 43.20 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 Timber Creek-St Joe River subwatershed (HUC12 170103040103), Copper Creek-St Joe River subwatershed (HUC12 170103040105), Simmons Creek subwatershed (HUC12 170103040104), Sherlock Creek-St Joe River subwatershed (HUC12 170103040101), Bacon Creek-St Joe River subwatershed (HUC12 170103040102), Canyon Creek subwatershed (HUC12 170603080102), Upper Skull Creek subwatershed (HUC12 170603070901) and Collins Creek subwatershed (HUC12 170603070902).

See Attachment 3.

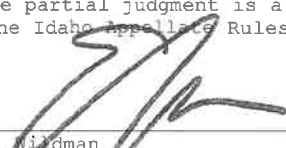
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



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Eric J. Widman  
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	Timber Creek	42N	08E	09	NESE	
003	Unnamed Stream	Timber Creek	42N	08E	09	NESE	
004	Unnamed Stream	Timber Creek	42N	08E	09	NESW	
005	Unnamed Stream	Timber Creek	42N	08E	09	NESW	
006	Unnamed Stream	Timber Creek	42N	08E	09	NWSE	
007	Unnamed Stream	Timber Creek	42N	08E	09	NWSE	
008	Timber Creek	St Joe River	42N	08E	09	SESE	
009	Unnamed Stream	Timber Creek	42N	08E	09	SESE	
010	Timber Creek	St Joe River	42N	08E	09	SESW	
011	Unnamed Stream	Timber Creek	42N	08E	09	SESW	
012	Timber Creek	St Joe River	42N	08E	09	SWSE	
013	Unnamed Stream	Timber Creek	42N	08E	09	SWSE	
014	Unnamed Stream	Timber Creek	42N	08E	09	SWSE	
015	Unnamed Stream	Timber Creek	42N	08E	09	SWSE	
016	Unnamed Stream	Timber Creek	42N	08E	11	NESE	
017	Unnamed Stream	Timber Creek	42N	08E	11	NWSE	
018	Unnamed Stream	Timber Creek	42N	08E	11	SWSE	
019	Unnamed Stream	Timber Creek	42N	08E	11	SWSW	
020	Pole Creek	Ruby Creek	42N	08E	13		
021	Unnamed Stream	Pole Creek	42N	08E	13		
022	Unnamed Stream	Pole Creek	42N	08E	13		
023	Unnamed Stream	Pole Creek	42N	08E	13		
024	Unnamed Stream	Pole Creek	42N	08E	13		
025	Unnamed Stream	Pole Creek	42N	08E	13		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
026	Unnamed Stream	Pole Creek	42N	08E	13		
027	Unnamed Stream	Timber Creek	42N	08E	15		
028	Unnamed Stream	Timber Creek	42N	08E	15		
029	Unnamed Stream	Timber Creek	42N	08E	15		
030	Unnamed Stream	Timber Creek	42N	08E	15		
031	Ruby Creek	St Joe River	42N	08E	23		
032	Unnamed Stream	Ruby Creek	42N	08E	23		
033	Unnamed Stream	Ruby Creek	42N	08E	23		
034	Unnamed Stream	Ruby Creek	42N	08E	23		
035	Unnamed Stream	Ruby Creek	42N	08E	23		
036	Unnamed Stream	Ruby Creek	42N	08E	23		
037	Unnamed Stream	Ruby Creek	42N	08E	23		
038	Unnamed Stream	Ruby Creek	42N	08E	23		
039	Unnamed Stream	Ruby Creek	42N	08E	23		
040	Unnamed Stream	Ruby Creek	42N	08E	23		
041	Unnamed Stream	Ruby Creek	42N	08E	23		
042	Ruby Creek	St Joe River	42N	08E	25		
043	Unnamed Stream	My Creek	42N	08E	25		
044	Unnamed Stream	My Creek	42N	08E	25		
045	Unnamed Stream	Ruby Creek	42N	08E	25		
046	Unnamed Stream	Ruby Creek	42N	08E	25		
047	Unnamed Stream	Ruby Creek	42N	08E	25		
048	Unnamed Stream	Ruby Creek	42N	08E	25		
049	Unnamed Stream	Ruby Creek	42N	08E	25		

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
050	Unnamed Stream	Ruby Creek	42N	08E	25		
051	Unnamed Stream	Ruby Creek	42N	08E	25		
052	Unnamed Stream	Ruby Creek	42N	08E	27		
053	Unnamed Pond	Timber Creek	42N	08E	15		
054	Unnamed Pond	Timber Creek	42N	08E	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		

