

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. 91-07987M

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 Big Creek subwatershed (HUC12 170103040602).

QUANTITY: 1.000 CFS  
52.30 AFY

The quantity under this water right is limited to up to 52.30 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. 91-07987A, 91-07987B, 91-07987C, 91-07987D, 91-07987E, 91-07987F, 91-07987G, 91-07987H, 91-07987I, 91-07987J, 91-07987K, 91-07987L, 91-07987M, 91-07987N, 91-07987O, 91-07987P, 91-07987Q, 91-07987R, 91-07987S, 91-07987T and 91-08008 are limited to a total combined annual diversion volume of 52.300 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 52.30 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 the Big Creek subwatershed (HUC12 170103040602), Trout Creek subwatershed (HUC12 170103040606), Hugus Creek-St Joe River subwatershed (HUC12 170103040605), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Upper Slate Creek subwatershed (HUC12 170103040401), Big Creek subwatershed (HUC12 170103020302), East Fork Pine Creek subwatershed (HUC12 170103020201) and West Fork Pine Creek-Pine Creek subwatershed (HUC12 170103020202).

See Attachment 3.

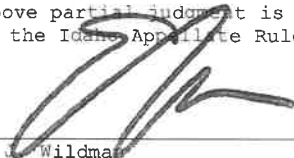
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 L. 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	East Fork Big Creek	Big Creek	46N	03E	01		
003	Unnamed Stream	East Fork Big Creek	46N	03E	01		
004	Unnamed Stream	East Fork Big Creek	46N	03E	01		
005	Unnamed Stream	East Fork Big Creek	46N	03E	01		
006	Unnamed Stream	East Fork Big Creek	46N	03E	01		
007	Unnamed Stream	East Fork Big Creek	46N	03E	01		
008	Unnamed Stream	East Fork Big Creek	46N	03E	01		
009	Unnamed Stream	East Fork Big Creek	46N	03E	01		
010	Unnamed Stream	East Fork Big Creek	46N	03E	01		
011	Unnamed Stream	East Fork Big Creek	46N	03E	01		
012	Unnamed Stream	East Fork Big Creek	46N	03E	01		
013	Donaldson Creek	East Fork Big Creek	46N	03E	03	NWNW	L 4
014	Unnamed Stream	Donaldson Creek	46N	03E	03	SENW	
015	Donaldson Creek	East Fork Big Creek	46N	03E	03	SWNW	
016	Miles Creek	Middle Fork Big Creek	46N	03E	05	NENE	L 1
017	Unnamed Stream	Miles Creek	46N	03E	05	NENE	L 1
018	Unnamed Stream	Big Creek	46N	03E	05	NWSE	
019	Unnamed Stream	Big Creek	46N	03E	05	NWSW	
020	Unnamed Stream	Big Creek	46N	03E	05	NWSW	
021	Unnamed Stream	Big Creek	46N	03E	05	NWSW	
022	Unnamed Stream	Big Creek	46N	03E	05	SWSW	
023	Unnamed Stream	Big Creek	46N	03E	05	SWSW	
024	Unnamed Stream	Big Creek	46N	03E	05	SWSW	
025	Unnamed Stream	Big Creek	46N	03E	05	SWSW	
026	Big Creek	Saint Joe River	46N	03E	07		
027	Cabin Creek	Big Creek	46N	03E	07		
028	Cameron Creek	Big Creek	46N	03E	07		
029	Pierce Creek	Big Creek	46N	03E	07		
030	Unnamed Stream	Big Creek	46N	03E	07		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
031	Unnamed Stream	Big Creek	46N	03E	07		
032	Hall Creek	East Fork Big Creek	46N	03E	09	NESE	
033	Unnamed Stream	Hall Creek	46N	03E	09	NESE	
034	Unnamed Stream	Hall Creek	46N	03E	09	NESW	
035	Hall Creek	East Fork Big Creek	46N	03E	09	SENE	
036	Unnamed Stream	Hall Creek	46N	03E	09	SENE	
037	East Fork Big Creek	Big Creek	46N	03E	11		
038	Unnamed Stream	East Fork Big Creek	46N	03E	11		
039	Unnamed Stream	East Fork Big Creek	46N	03E	11		
040	Unnamed Stream	East Fork Big Creek	46N	03E	11		
041	Unnamed Stream	East Fork Big Creek	46N	03E	11		
042	Cabin Creek	Big Creek	46N	03E	17		
043	Unnamed Stream	Big Creek	46N	03E	17		
044	Unnamed Stream	Big Creek	46N	03E	17		
045	Unnamed Stream	Big Creek	46N	03E	17		
046	Unnamed Stream	Big Creek	46N	03E	17		
047	Unnamed Stream	Big Creek	46N	03E	17		
048	Unnamed Stream	Big Creek	46N	03E	17		
049	Unnamed Stream	Big Creek	46N	03E	17		
050	Big Creek	Saint Joe River	46N	03E	19		
051	Unnamed Stream	Big Creek	46N	03E	19		
052	Unnamed Stream	Big Creek	46N	03E	19		
053	Unnamed Stream	Big Creek	46N	03E	19		
054	Unnamed Stream	Big Creek	46N	03E	19		
055	Unnamed Stream	Big Creek	46N	03E	19		
056	Unnamed Stream	Big Creek	46N	03E	19		
057	Unnamed Stream	Flag Creek	46N	03E	19		
058	Jumbo Creek	Big Creek	46N	03E	21	NENW	
059	Unnamed Stream	Jumbo Creek	46N	03E	21	NENW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Unnamed Stream	Jumbo Creek	46N	03E	21	NENW	
061	East Fork Big Creek	Big Creek	46N	03E	21	NESE	
062	Jumbo Creek	Big Creek	46N	03E	21	NESW	
063	Unnamed Stream	East Fork Big Creek	46N	03E	21	NESW	
064	Unnamed Stream	Jumbo Creek	46N	03E	21	NWNW	
065	Unnamed Stream	Jumbo Creek	46N	03E	21	NWNW	
066	Unnamed Stream	Jumbo Creek	46N	03E	21	NWNW	
067	East Fork Big Creek	Big Creek	46N	03E	21	NWSE	
068	Unnamed Stream	East Fork Big Creek	46N	03E	21	NWSE	
069	Jumbo Creek	Big Creek	46N	03E	21	NWSW	
070	Unnamed Stream	Jumbo Creek	46N	03E	21	NWSW	
071	Jumbo Creek	Big Creek	46N	03E	21	SENW	
072	Unnamed Stream	East Fork Big Creek	46N	03E	21	SESE	
073	Unnamed Stream	East Fork Big Creek	46N	03E	21	SESE	
074	East Fork Big Creek	Big Creek	46N	03E	21	SESW	
075	Unnamed Stream	East Fork Big Creek	46N	03E	21	SESW	
076	Unnamed Stream	Jumbo Creek	46N	03E	21	SWNW	
077	East Fork Big Creek	Big Creek	46N	03E	21	SWSE	
078	Unnamed Stream	East Fork Big Creek	46N	03E	21	SWSE	
079	Unnamed Stream	East Fork Big Creek	46N	03E	21	SWSE	
080	Unnamed Stream	East Fork Big Creek	46N	03E	21	SWSE	
081	Unnamed Stream	Jumbo Creek	46N	03E	21	SWSW	
082	Big Creek	Saint Joe River	46N	03E	29		
083	East Fork Big Creek	Big Creek	46N	03E	29		
084	Jumbo Creek	Big Creek	46N	03E	29		
085	Unnamed Stream	Big Creek	46N	03E	29		
086	Unnamed Stream	East Fork Big Creek	46N	03E	29		
087	Unnamed Stream	East Fork Big Creek	46N	03E	29		
088	Unnamed Stream	East Fork Big Creek	46N	03E	29		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
089	Unnamed Stream	East Fork Big Creek	46N	03E	29		
090	Unnamed Stream	East Fork Big Creek	46N	03E	29		
091	Unnamed Stream	East Fork Big Creek	46N	03E	29		
092	Unnamed Stream	East Fork Big Creek	46N	03E	29		
093	Unnamed Stream	Jumbo Creek	46N	03E	29		
094	Unnamed Stream	East Fork Big Creek	46N	03E	33		

## 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		

