

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)  
) FOR FEDERAL RESERVED  
Case No. 49576 )  
) WATER RIGHT NO. 92-11072E

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 Charlie Creek subwatershed (HUC12 170103040901).

QUANTITY: 1.000 CFS  
21.10 AFY

The quantity under this water right is limited to up to 21.10 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. 92-11067A thru 92-11075 and 92-11080A thru 92-11081D.

See Attachment 2.

Right nos. 92-11072A, 92-11072B, 92-11072C, 92-11072D, 92-11072E, 92-11072F, 92-11072G, 92-11072H, 92-11072I, 92-11072J, 92-11072K and 92-11072L are limited to a total combined annual diversion volume of 21.10 acre feet.

PRIORITY DATE: 12/19/1932

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 21.10 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 Charlie Creek subwatershed (HUC12 170103040901), Upper Santa Creek subwatershed (HUC12 170103040902), Lower Santa Creek subwatershed (HUC12 170103040903), Crystal Creek-St Maries River subwatershed (HUC12 170103040805), Carpenter Creek subwatershed (HUC12 170103040803), Meadow Creek subwatershed (HUC12 170603070101), Big Sand Creek-Palouse River subwatershed (HUC12 170601080102) and Headwaters Palouse River subwatershed (HUC12 170601080101).

See Attachment 3.

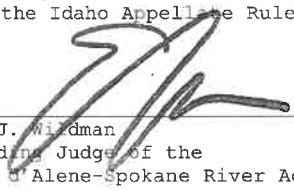
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Windman  
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	Hume Creek	Charlie Creek	43N	02W	9	NESW	
3	Unnamed Stream	Charlie Creek	43N	02W	9	SESE	
4	Unnamed Stream	Charlie Creek	43N	02W	9	SESE	L 8
5	Hume Creek	Charlie Creek	43N	02W	9	SESW	
6	Hume Creek	Charlie Creek	43N	02W	9	SWSW	
7	Charlie Creek	Santa Creek	43N	02W	15	NENW	L 3
8	Preston Creek	Charlie Creek	43N	02W	15	NENW	L 3
9	Unnamed Stream	Charlie Creek	43N	02W	15	NENW	L 3
10	Charlie Creek	Santa Creek	43N	02W	15	NESW	
11	Charlie Creek	Santa Creek	43N	02W	15	NWSW	
12	Unnamed Stream	Charlie Creek	43N	02W	15	NWSW	
13	Fagan Creek	East Fork Charlie Creek	43N	02W	15	SENE	
14	Preston Creek	Charlie Creek	43N	02W	15	SENE	
15	Charlie Creek	Santa Creek	43N	02W	15	SESW	
16	Preston Creek	Charlie Creek	43N	02W	15	SWNE	
17	Charlie Creek	Santa Creek	43N	02W	15	SWNW	
18	Unnamed Stream	Charlie Creek	43N	02W	15	SWNW	
19	Unnamed Stream	Charlie Creek	43N	02W	15	SWNW	
20	Unnamed Stream	Charlie Creek	43N	02W	15	SWSW	
21	Unnamed Stream	Charlie Creek	43N	02W	15	SWSW	
22	Unnamed Stream	Charlie Creek	43N	02W	15	SWSW	
23	Unnamed Stream	Charlie Creek	43N	02W	15	SWSW	
24	Unnamed Stream	Charlie Creek	43N	02W	15	SWSW	
25	Hume Creek	Charlie Creek	43N	02W	16		
26	Unnamed Stream	Charlie Creek	43N	02W	16		
27	Unnamed Stream	Charlie Creek	43N	02W	16		
28	Unnamed Stream	Charlie Creek	43N	02W	16		
29	Hume Creek	Charlie Creek	43N	02W	17		
30	Unnamed Stream	Charlie Creek	43N	02W	20		
31	Charlie Creek	Santa Creek	43N	02W	21		
32	Unnamed Stream	Charlie Creek	43N	02W	21		
33	Unnamed Stream	Charlie Creek	43N	02W	21		
34	Unnamed Stream	Charlie Creek	43N	02W	21		
35	Charlie Creek	Santa Creek	43N	02W	22	NENW	
36	Charlie Creek	Santa Creek	43N	02W	22	NWNW	
37	Unnamed Stream	Charlie Creek	43N	02W	22	NWNW	
38	Charlie Creek	Santa Creek	43N	02W	22	NWSW	
39	Unnamed Stream	Charlie Creek	43N	02W	22	NWSW	
40	Unnamed Stream	Charlie Creek	43N	02W	22	NWSW	
41	Unnamed Stream	Charlie Creek	43N	02W	22	SESW	
42	Unnamed Stream	Charlie Creek	43N	02W	22	SESW	
43	Charlie Creek	Santa Creek	43N	02W	22	SWNW	
44	Charlie Creek	Santa Creek	43N	02W	22	SWSW	
45	Unnamed Stream	Charlie Creek	43N	02W	22	SWSW	
46	Unnamed Stream	Charlie Creek	43N	02W	22	SWSW	
47	Unnamed Stream	Charlie Creek	43N	02W	22	SWSW	
48	Unnamed Stream	Charlie Creek	43N	02W	22	SWSW	

Attachment 2

92-11067	A	92-11072	E
92-11067	B	92-11072	F
92-11067	C	92-11072	G
92-11067	D	92-11072	H
92-11067	E	92-11072	I
92-11067	F	92-11072	J
92-11067	G	92-11072	K
92-11067	H	92-11072	L
92-11067	I	92-11073	A
92-11067	J	92-11073	B
92-11067	K	92-11073	C
92-11067	L	92-11073	D
92-11067	M	92-11073	E
92-11067	N	92-11074	
92-11067	O	92-11075	
92-11067	P	92-11080	A
92-11068	A	92-11080	B
92-11068	B	92-11080	C
92-11068	C	92-11080	D
92-11068	D	92-11080	E
92-11068	E	92-11080	F
92-11068	F	92-11080	G
92-11068	G	92-11080	H
92-11068	H	92-11080	I
92-11068	I	92-11080	J
92-11068	J	92-11081	A
92-11068	K	92-11081	B
92-11068	L	92-11081	C
92-11068	M	92-11081	D
92-11068	N		
92-11068	O		
92-11069	A		
92-11069	B		
92-11069	C		
92-11069	D		
92-11069	E		
92-11069	F		
92-11069	G		
92-11070	A		
92-11070	B		
92-11071	A		
92-11071	B		
92-11071	C		
92-11071	D		
92-11071	E		
92-11071	F		
92-11072	A		
92-11072	B		
92-11072	C		
92-11072	D		

# Charlie Creek Place of Use

