

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. 91-07963B

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 Sherlock Creek-St. Joe River subwatershed (HUC12 170103040101).

QUANTITY: 1.000 CFS
37.80 AFY

The quantity under this water right is limited to up to 37.800 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. 91-07963A and 91-07963B are limited to a total combined annual diversion volume of 37.800 acre feet.

PRIORITY DATE: 08/16/1971

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 37.80 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 Sherlock Creek-St Joe River subwatershed (HUC12 170103040101), Simmons Creek subwatershed (HUC12 170103040104), Timber Creek-St Joe River subwatershed (HUC12 170103040103), Bacon Creek-St Joe River subwatershed (HUC12 170103040102), Dry Creek subwatershed (HUC12 170102040802), Oregon Gulch subwatershed (HUC12 170102040610), Cedar Creek subwatershed (HUC12 170102040611), Upper Trout Creek subwatershed (HUC12 170102040607) and the Vanderbilt Gulch-North Fork Clearwater River subwatershed (HUC12 170603070103).

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
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
002	Unnamed Stream	St Joe River	42N	10E	01	NENW	L 3
003	Riley Creek	St Joe River	42N	10E	01	NESE	
004	St Joe River	Coeur d'Alene Lake	42N	10E	01	NESE	
005	St Joe River	Coeur d'Alene Lake	42N	10E	01	NWNE	L 2
006	Unnamed Stream	St Joe River	42N	10E	01	NWNE	L 2
007	Riley Creek	St Joe River	42N	10E	01	NWSE	
008	St Joe River	Coeur d'Alene Lake	42N	10E	01	SENE	
009	St Joe River	Coeur d'Alene Lake	42N	10E	01	SESE	
010	Wisdom Creek	St Joe River	42N	10E	01	SESE	
011	St Joe River	Coeur d'Alene Lake	42N	10E	01	SWNE	
012	St Joe River	Coeur d'Alene Lake	43N	10E	21	NWSW	
013	Unnamed Stream	St Joe River	43N	10E	21	NWSW	
014	Neversweat Creek	St Joe River	43N	10E	21	SESE	
015	St Joe River	Coeur d'Alene Lake	43N	10E	21	SESE	
016	Unnamed Stream	St Joe River	43N	10E	21	SESE	
017	Unnamed Stream	St Joe River	43N	10E	21	SESE	
018	St Joe River	Coeur d'Alene Lake	43N	10E	21	SWSE	
019	Unnamed Stream	St Joe River	43N	10E	21	SWSE	
020	Neversweat Creek	St Joe River	43N	10E	22	SWSW	
021	St Joe River	Coeur d'Alene Lake	43N	10E	22	SWSW	
022	Unnamed Stream	St Joe River	43N	10E	22	SWSW	
023	Bluebells Creek	St Joe River	43N	10E	26	NESE	
024	St Joe River	Coeur d'Alene Lake	43N	10E	26	NESE	
025	St Joe River	Coeur d'Alene Lake	43N	10E	26	NESW	
026	Unnamed Stream	St Joe River	43N	10E	26	NESW	
027	California Creek	St Joe River	43N	10E	26	NWSE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
028	St Joe River	Coeur d'Alene Lake	43N	10E	26	NWSE	
029	St Joe River	Coeur d'Alene Lake	43N	10E	26	SENW	
030	St Joe River	Coeur d'Alene Lake	43N	10E	26	SESE	
031	Unnamed Stream	St Joe River	43N	10E	26	SESE	
032	St Joe River	Coeur d'Alene Lake	43N	10E	26	SWNE	
033	Cascade Creek	St Joe River	43N	10E	26	SWNW	
034	St Joe River	Coeur d'Alene Lake	43N	10E	26	SWNW	
035	St Joe River	Coeur d'Alene Lake	43N	10E	27	NENE	
036	Unnamed Stream	St Joe River	43N	10E	27	NENE	
037	St Joe River	Coeur d'Alene Lake	43N	10E	27	NENW	
038	Unnamed Stream	St Joe River	43N	10E	27	NENW	
039	Unnamed Stream	St Joe River	43N	10E	27	NENW	
040	Unnamed Stream	St Joe River	43N	10E	27	NENW	
041	Yankee Bar Creek	St Joe River	43N	10E	27	NENW	
042	St Joe River	Coeur d'Alene Lake	43N	10E	27	NWNE	
043	Unnamed Stream	St Joe River	43N	10E	27	NWNE	
044	Unnamed Stream	St Joe River	43N	10E	27	NWNE	
045	Unnamed Stream	St Joe River	43N	10E	27	NWNE	
046	Unnamed Stream	St Joe River	43N	10E	27	NWNE	
047	Neversweat Creek	St Joe River	43N	10E	27	NWNW	
048	St Joe River	Coeur d'Alene Lake	43N	10E	27	NWNW	
049	Yankee Bar Creek	St Joe River	43N	10E	27	NWNW	
050	St Joe River	Coeur d'Alene Lake	43N	10E	27	SENE	
051	St Joe River	Coeur d'Alene Lake	43N	10E	35	NENE	
052	St Joe River	Coeur d'Alene Lake	43N	10E	36	NESW	
053	Unnamed Stream	St Joe River	43N	10E	36	NESW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
054	St Joe River	Coeur d'Alene Lake	43N	10E	36	NWNW	
055	Unnamed Stream	St Joe River	43N	10E	36	NWSE	
056	St Joe River	Coeur d'Alene Lake	43N	10E	36	NWSW	
057	St Joe River	Coeur d'Alene Lake	43N	10E	36	SESW	
058	Medicine Creek	St Joe River	43N	10E	36	SWNW	
059	St Joe River	Coeur d'Alene Lake	43N	10E	36	SWNW	
060	St Joe River	Coeur d'Alene Lake	43N	10E	36	SWSE	

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		

