

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. 91-07967C

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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 Copper Creek-St Joe River subwatershed (HUC12 170103040105).

QUANTITY: 1.000 CFS  
45.60 AFY

The quantity under this water right is limited to up to 45.600 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. 91-07967A, 91-07967B, 91-07967C, 91-08009 and 91-08012 are limited to a total combined annual diversion volume of 45.60 acre feet.

PRIORITY DATE: 08/12/1997

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 45.60 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 Copper Creek-St Joe River subwatershed (HUC12 170103040105), Bruin Creek-St Joe River subwatershed (HUC12 170103040304), Simmons Creek subwatershed (HUC12 170103040104), Timber Creek-St Joe River subwatershed (HUC12 170103040103) and Canyon Creek subwatershed (HUC12 170603080102).

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. 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	Fly Creek	43N	08E	03	NENW	L 3
003	Unnamed Stream	Fly Creek	43N	08E	03	NENW	L 3
004	Unnamed Stream	Fly Creek	43N	08E	03	NWNE	L 2
005	Unnamed Stream	Fly Creek	43N	08E	03	NWNE	L 2
006	Unnamed Stream	Fly Creek	43N	08E	03	NWNE	L 2
007	Unnamed Stream	Fly Creek	43N	08E	03	NWNE	L 2
008	Unnamed Stream	Fly Creek	43N	08E	03	NWNW	L 4
009	Unnamed Stream	Fly Creek	43N	08E	03	SWNW	
010	Unnamed Stream	Fly Creek	43N	08E	05		
011	Unnamed Stream	Fly Creek	43N	08E	09	NWNW	
012	Unnamed Stream	Fly Creek	43N	08E	09	NWNW	
013	Unnamed Stream	Fly Creek	43N	08E	09	NWNW	
014	Unnamed Stream	Fly Creek	43N	08E	09	NWNW	
015	Unnamed Stream	Fly Creek	43N	08E	09	SESE	
016	Fly Creek	St Joe River	43N	08E	09	SESW	
017	Unnamed Stream	Fly Creek	43N	08E	09	SESW	
018	Unnamed Stream	Fly Creek	43N	08E	09	SWNW	
019	Unnamed Stream	Fly Creek	43N	08E	09	SWNW	
020	Unnamed Stream	Fly Creek	43N	08E	09	SWNW	
021	Unnamed Stream	Fly Creek	43N	08E	09	SWNW	
022	Unnamed Stream	Fly Creek	43N	08E	09	SWNW	
023	Fly Creek	St Joe River	43N	08E	09	SWSW	
024	Unnamed Stream	Beaver Creek	43N	08E	11		
025	Unnamed Stream	Beaver Creek	43N	08E	11		
026	Unnamed Stream	Beaver Creek	43N	08E	11		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
027	Unnamed Stream	Beaver Creek	43N	08E	11		
028	Unnamed Stream	Beaver Creek	43N	08E	11		
029	Unnamed Stream	Beaver Creek	43N	08E	11		
030	Unnamed Stream	Beaver Creek	43N	08E	11		
031	Unnamed Stream	Beaver Creek	43N	08E	11		
032	Unnamed Stream	Beaver Creek	43N	08E	11		
033	Unnamed Stream	Beaver Creek	43N	08E	11		
034	Unnamed Stream	Beaver Creek	43N	08E	11		
035	Unnamed Stream	Beaver Creek	43N	08E	11		
036	Unnamed Stream	Beaver Creek	43N	08E	11		
037	Unnamed Stream	Fly Creek	43N	08E	11		
038	Unnamed Stream	Fly Creek	43N	08E	11		
039	Unnamed Stream	Fly Creek	43N	08E	11		
040	Unnamed Stream	Fly Creek	43N	08E	11		
041	Unnamed Stream	Fly Creek	43N	08E	11		
042	Unnamed Stream	Fly Creek	43N	08E	11		
043	Beaver Creek	St Joe River	43N	08E	13		
044	Unnamed Stream	Beaver Creek	43N	08E	13		
045	Unnamed Stream	Beaver Creek	43N	08E	13		
046	Unnamed Stream	Beaver Creek	43N	08E	13		
047	Unnamed Stream	Beaver Creek	43N	08E	13		
048	Unnamed Stream	Beaver Creek	43N	08E	13		
049	Unnamed Stream	Beaver Creek	43N	08E	13		
050	Unnamed Stream	Beaver Creek	43N	08E	13		
051	Unnamed Stream	Beaver Creek	43N	08E	13		

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
052	Unnamed Stream	Beaver Creek	43N	08E	13		
053	Unnamed Stream	Beaver Creek	43N	08E	13		
054	Unnamed Stream	Beaver Creek	43N	08E	13		
055	Unnamed Stream	Beaver Creek	43N	08E	13		
056	Unnamed Stream	Beaver Creek	43N	08E	13		
057	Unnamed Stream	Beaver Creek	43N	08E	13		
058	Unnamed Stream	Beaver Creek	43N	08E	13		
059	Unnamed Stream	Beaver Creek	43N	08E	13		
060	Unnamed Stream	Beaver Creek	43N	08E	13		
061	Unnamed Stream	Beaver Creek	43N	08E	13		
062	Unnamed Stream	Beaver Creek	43N	08E	13		
063	Beaver Creek	St Joe River	43N	08E	15		
064	Unnamed Stream	Beaver Creek	43N	08E	15		
065	Unnamed Stream	Beaver Creek	43N	08E	15		
066	Unnamed Stream	Beaver Creek	43N	08E	15		
067	Unnamed Stream	Beaver Creek	43N	08E	15		
068	Unnamed Stream	Beaver Creek	43N	08E	15		
069	Unnamed Stream	Beaver Creek	43N	08E	15		
070	Unnamed Stream	Beaver Creek	43N	08E	15		
071	Unnamed Stream	Beaver Creek	43N	08E	15		
072	Unnamed Stream	Beaver Creek	43N	08E	15		
073	Unnamed Stream	Beaver Creek	43N	08E	15		
074	Unnamed Stream	Beaver Creek	43N	08E	15		
075	Beaver Creek	St Joe River	43N	08E	17		
076	Fly Creek	St Joe River	43N	08E	17		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
077	Unnamed Stream	Beaver Creek	43N	08E	17		
078	Unnamed Stream	Beaver Creek	43N	08E	17		
079	Unnamed Stream	Beaver Creek	43N	08E	17		
080	Unnamed Stream	Beaver Creek	43N	08E	17		
081	Unnamed Stream	Beaver Creek	43N	08E	17		
082	Unnamed Stream	Beaver Creek	43N	08E	17		
083	Unnamed Stream	Beaver Creek	43N	08E	17		
084	Unnamed Stream	Fly Creek	43N	08E	17		
085	Unnamed Stream	Fly Creek	43N	08E	17		
086	Bad Bear Creek	Beaver Creek	43N	08E	21		
087	Beaver Creek	St Joe River	43N	08E	21		
088	Unnamed Stream	Bad Bear Creek	43N	08E	21		
089	Unnamed Stream	Bad Bear Creek	43N	08E	21		
090	Unnamed Stream	Bad Bear Creek	43N	08E	21		
091	Unnamed Stream	Bad Bear Creek	43N	08E	21		
092	Unnamed Stream	Bad Bear Creek	43N	08E	21		
093	Unnamed Stream	Bad Bear Creek	43N	08E	21		
094	Unnamed Stream	Beaver Creek	43N	08E	21		
095	Unnamed Stream	Beaver Creek	43N	08E	21		
096	Unnamed Stream	Beaver Creek	43N	08E	21		
097	Unnamed Stream	Beaver Creek	43N	08E	21		
098	Unnamed Stream	Beaver Creek	43N	08E	21		
099	Unnamed Stream	Beaver Creek	43N	08E	21		
100	Unnamed Stream	Beaver Creek	43N	08E	21		
101	Unnamed Stream	Beaver Creek	43N	08E	21		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
102	Unnamed Stream	Beaver Creek	43N	08E	21		
103	Unnamed Stream	Beaver Creek	43N	08E	21		
104	Unnamed Stream	Beaver Creek	43N	08E	21		
105	Unnamed Pond	Fly Creek	43N	08E	07		

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		



