

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. 91-07974B

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 Bruin Creek-St Joe River subwatershed (HUC12 170103040304).

QUANTITY: 1.000 CFS
42.80 AFY

The quantity under this water right is limited to up to 42.800 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. 91-07974A, 91-07974B and 91-08014 are limited to a total combined annual diversion volume of 42.800 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 42.80 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 Bruin Creek-St Joe River subwatershed (HUC12 170103040304), Eagle Creek-St Joe River (HUC12 170103040305), Quartz Creek subwatershed (HUC12 170103040303), Gold Creek subwatershed (HUC12 170103040301), Simmons Creek subwatershed (HUC12 170103040104), Copper Creek-St Joe River subwatershed (HUC12 170103040105), Bluff Creek subwatershed (HUC12 170103040302) 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.

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	Mosquito Creek	St Joe River	43N	08E	05		
003	Unnamed Stream	Mosquito Creek	43N	08E	05		
004	Unnamed Stream	Mosquito Creek	43N	08E	05		
005	Unnamed Stream	Mosquito Creek	43N	08E	05		
006	Unnamed Stream	Mosquito Creek	43N	08E	05		
007	Mosquito Creek	St Joe River	43N	08E	07		
008	Unnamed Stream	Mosquito Creek	43N	08E	07		
009	Unnamed Stream	Mosquito Creek	44N	08E	27	SWSW	
010	Unnamed Stream	Mosquito Creek	44N	08E	27	SWSW	
011	Unnamed Stream	Mosquito Creek	44N	08E	29	NESE	
012	Unnamed Stream	Mosquito Creek	44N	08E	29	NESW	
013	Unnamed Stream	Mosquito Creek	44N	08E	29	NESW	
014	Unnamed Stream	Mosquito Creek	44N	08E	29	NESW	
015	Unnamed Stream	Mosquito Creek	44N	08E	29	NESW	
016	Unnamed Stream	Mosquito Creek	44N	08E	29	NESW	
017	Unnamed Stream	Mosquito Creek	44N	08E	29	NWSE	
018	Unnamed Stream	Mosquito Creek	44N	08E	29	NWSE	
019	Unnamed Stream	Mosquito Creek	44N	08E	29	NWSW	
020	Unnamed Stream	Mosquito Creek	44N	08E	29	NWSW	
021	Unnamed Stream	Mosquito Creek	44N	08E	29	NWSW	
022	Unnamed Stream	Mosquito Creek	44N	08E	29	SENW	
023	Unnamed Stream	Mosquito Creek	44N	08E	29	SENW	
024	Unnamed Stream	Mosquito Creek	44N	08E	29	SESE	
025	Unnamed Stream	Mosquito Creek	44N	08E	29	SESW	
026	Unnamed Stream	Mosquito Creek	44N	08E	29	SWNE	

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	Mosquito Creek	44N	08E	29	SWNW	
028	Unnamed Stream	Mosquito Creek	44N	08E	29	SWSW	
029	Unnamed Stream	Mosquito Creek	44N	08E	31		
030	Unnamed Stream	Mosquito Creek	44N	08E	31		
031	Unnamed Stream	Mosquito Creek	44N	08E	31		
032	Unnamed Stream	Mosquito Creek	44N	08E	31		
033	Mosquito Creek	St Joe River	44N	08E	33		
034	Unnamed Stream	Mosquito Creek	44N	08E	33		
035	Unnamed Stream	Mosquito Creek	44N	08E	33		
036	Unnamed Stream	Mosquito Creek	44N	08E	33		
037	Unnamed Stream	Mosquito Creek	44N	08E	33		
038	Unnamed Stream	Mosquito Creek	44N	08E	33		
039	Unnamed Stream	Mosquito Creek	44N	08E	33		
040	Unnamed Stream	Mosquito Creek	44N	08E	33		
041	Unnamed Stream	Mosquito Creek	44N	08E	33		
042	Unnamed Stream	Mosquito Creek	44N	08E	33		
043	Unnamed Stream	Mosquito Creek	44N	08E	33		
044	Unnamed Stream	Mosquito Creek	44N	08E	33		
045	Unnamed Stream	Mosquito Creek	44N	08E	33		
046	Unnamed Lake	Mosquito 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		

