

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. 91-07976

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 Sisters Creek subwatershed (HUC12 170103040306).

QUANTITY: 1.000 CFS
21.00 AFY

The quantity under this water right is limited to up to 21.000 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.

PRIORITY DATE: 11/06/1906

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 21.00 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 Sisters Creek (HUC 12170103040306), Fishhook Creek subwatershed (HUC12 170103040307), Siwash Creek-St Joe River subwatershed (HUC12 170103040308), Eagle Creek-St Joe River (HUC12 170103040305), Bluff Creek subwatershed (HUC12 170103040302), Lost Lake-Little North Fork Clearwater River subwatershed (HUC12 170603080101) and Spotted Louis Creek-Little North Fork Clearwater River subwatershed (HUC12 170603080105).

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	Sisters Creek	44N	05E	12		
003	Unnamed Stream	Sisters Creek	44N	05E	12		
004	Unnamed Stream	Sisters Creek	44N	05E	12		
005	Sisters Creek	St Joe River	44N	05E	13		
006	Unnamed Stream	Sisters Creek	44N	05E	13		
007	Unnamed Stream	Sisters Creek	44N	05E	13		
008	Unnamed Stream	Sisters Creek	44N	05E	13		
009	Unnamed Stream	Sisters Creek	44N	05E	14		
010	Unnamed Stream	Sisters Creek	44N	05E	14		
011	Unnamed Stream	Sisters Creek	44N	05E	14		
012	Unnamed Stream	Sisters Creek	44N	05E	14		
013	Sisters Creek	St Joe River	44N	05E	22		
014	Unnamed Stream	Sisters Creek	44N	05E	22		
015	Unnamed Stream	Sisters Creek	44N	05E	22		
016	Sisters Creek	St Joe River	44N	05E	24		
017	Unnamed Stream	Sisters Creek	44N	05E	24		
018	Unnamed Stream	Sisters Creek	44N	05E	24		
019	Unnamed Stream	Sisters Creek	44N	05E	24		
020	Unnamed Stream	Sisters Creek	44N	05E	24		
021	Forage Creek	Sisters Creek	44N	05E	26		
022	Unnamed Stream	Forage Creek	44N	05E	26		
023	Unnamed Stream	Forage Creek	44N	05E	26		
024	Unnamed Stream	Forage Creek	44N	05E	26		
025	Unnamed Stream	Forage Creek	44N	05E	26		
026	Unnamed Stream	Forage Creek	44N	05E	26		
027	Sisters Creek	St Joe River	44N	05E	28		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
028	Unnamed Stream	Sisters Creek	44N	05E	28		
029	Sisters Creek	St Joe River	44N	05E	34		
030	Shoepack Creek	Sisters Creek	44N	06E	06		
031	Unnamed Stream	Shoepack Creek	44N	06E	06		
032	Shoepack Creek	Sisters Creek	44N	06E	08		
033	Unnamed Stream	Shoepack Creek	44N	06E	08		
034	Unnamed Stream	Shoepack Creek	44N	06E	08		
035	Unnamed Stream	Sisters Creek	44N	06E	08		
036	Unnamed Stream	Sisters Creek	44N	06E	08		
037	Unnamed Stream	Sisters Creek	44N	06E	08		
038	Alpine Creek	Sisters Creek	44N	06E	14		
039	Unnamed Stream	Alpine Creek	44N	06E	14		
040	Unnamed Stream	Alpine Creek	44N	06E	14		
041	Unnamed Stream	Alpine Creek	44N	06E	14		
042	Unnamed Stream	Alpine Creek	44N	06E	14		
043	Bear Skull Creek	Sisters Creek	44N	06E	16		
044	Sisters Creek	St Joe River	44N	06E	16		
045	Unnamed Stream	Bear Skull Creek	44N	06E	16		
046	Unnamed Stream	Bear Skull Creek	44N	06E	16		
047	Unnamed Stream	Sisters Creek	44N	06E	16		
048	Sisters Creek	St Joe River	44N	06E	18		
049	Unnamed Stream	Sisters Creek	44N	06E	18		
050	Unnamed Stream	Sisters Creek	44N	06E	18		
051	Unnamed Stream	Sisters Creek	44N	06E	18		
052	Unnamed Stream	Sisters Creek	44N	06E	18		
053	Webfoot Creek	Sisters Creek	44N	06E	18		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
054	Hilo Creek	Sisters Creek	44N	06E	20		
055	Unnamed Stream	Hilo Creek	44N	06E	20		
056	Unnamed Stream	Sisters Creek	44N	06E	20		
057	Unnamed Stream	Alpine Creek	44N	06E	22		
058	Unnamed Stream	Bear Skull Creek	44N	06E	22		
059	Unnamed Stream	Bear Skull Creek	44N	06E	22		
060	Unnamed Stream	Alpine Creek	44N	06E	24		
061	Unnamed Stream	Alpine Creek	44N	06E	24		
062	Unnamed Stream	Alpine Creek	44N	06E	24		
063	Unnamed Stream	Alpine Creek	44N	06E	24		
064	Unnamed Stream	Alpine Creek	44N	06E	24		
065	Unnamed Stream	Alpine Creek	44N	06E	24		
066	Unnamed Stream	Alpine Creek	44N	06E	24		
067	Alpine Creek	Sisters Creek	44N	06E	26		
068	Unnamed Stream	Alpine Creek	44N	06E	26		
069	Unnamed Stream	Alpine Creek	44N	06E	26		
070	Unnamed Stream	Alpine Creek	44N	06E	26		
071	Unnamed Stream	Alpine Creek	44N	06E	26		
072	Unnamed Stream	Alpine Creek	44N	06E	26		
073	Bear Skull Creek	Sisters Creek	44N	06E	28		
074	Hilo Creek	Sisters Creek	44N	06E	28		
075	Unnamed Stream	Hilo Creek	44N	06E	28		
076	Unnamed Stream	Hilo Creek	44N	06E	28		
077	Unnamed Stream	Webfoot Creek	44N	06E	30		
078	Unnamed Stream	Webfoot Creek	44N	06E	30		
079	Webfoot Creek	Sisters Creek	44N	06E	30		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
080	Bear Skull Creek	Sisters Creek	44N	06E	34		
081	Unnamed Stream	Alpine Creek	44N	06E	34		
082	Unnamed Stream	Alpine Creek	44N	06E	34		
083	Alpine Creek	Sisters Creek	44N	06E	36		
084	Unnamed Stream	Alpine Creek	44N	06E	36		
085	Unnamed Stream	Alpine Creek	44N	06E	36		
086	Unnamed Stream	Alpine Creek	44N	06E	36		
087	Unnamed Stream	Alpine Creek	44N	07E	30		
088	St Joe River	Coeur d'Alene Lake	45N	06E	21		
089	Sisters Creek	St Joe River	45N	06E	21		
090	Sisters Creek	St Joe River	45N	06E	28		
091	Unnamed Stream	Sisters Creek	45N	06E	28		
092	Unnamed Stream	Sisters Creek	45N	06E	28		
093	Unnamed Stream	Sisters Creek	45N	06E	28		
094	Unnamed Stream	Sisters Creek	45N	06E	28		
095	Unnamed Stream	Shoepack Creek	45N	06E	32		
096	Unnamed Stream	Shoepack Creek	45N	06E	32		
097	Unnamed Stream	Shoepack Creek	45N	06E	32		
098	Unnamed Stream	Sisters Creek	45N	06E	32		
099	Unnamed Stream	Sisters Creek	45N	06E	32		
100	Gypo Creek	Sisters Creek	45N	06E	34		
101	Unnamed Stream	Sisters Creek	45N	06E	34		

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		

