

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. 91-07977A

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 Fishhook Creek-St Joe River subwatershed (HUC12 170103040307).

QUANTITY: 1.000 CFS
22.50 AFY

The quantity under this water right is limited to up to 22.500 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. 91-07977A, 91-07977B and 91-08018 are limited to a total combined annual diversion volume of 22.50 acre feet.

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 22.50 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 Fishhook Creek subwatershed (HUC12 170103040307), Upper Marble Creek subwatershed (HUC12 170103040501), Boulder Creek subwatershed (HUC12 170103040504), Flemming Creek-St Joe River subwatershed (HUC12 170103040601), Siwash Creek-St.Joe River subwatershed (HUC12 170103040308), Sisters Creek subwatershed (HUC12 170103040306) and Lost Lake-Little North Fork Clearwater River subwatershed (HUC12 170603080101).

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	East Fork Fishhook Creek	43N	05E	06	NWNE	L 2
003	Unnamed Stream	Wawa Creek	44N	04E	02		
004	Unnamed Stream	Wawa Creek	44N	04E	02		
005	Lick Creek	Fishhook Creek	44N	04E	12		
006	Unnamed Stream	Lick Creek	44N	04E	12		
007	Unnamed Stream	Wawa Creek	44N	04E	12		
008	Unnamed Stream	Wawa Creek	44N	04E	12		
009	Unnamed Stream	Wawa Creek	44N	04E	12		
010	Wawa Creek	Lick Creek	44N	04E	12		
011	Lick Creek	Fishhook Creek	44N	04E	14		
012	Unnamed Stream	Lick Creek	44N	04E	14		
013	Unnamed Stream	Lick Creek	44N	04E	14		
014	Unnamed Stream	Lick Creek	44N	04E	14		
015	Unnamed Stream	Lick Creek	44N	04E	14		
016	Unnamed Stream	Lick Creek	44N	04E	14		
017	Unnamed Stream	Outlaw Creek	44N	04E	21		
018	Lick Creek	Fishhook Creek	44N	04E	22		
019	Outlaw Creek	West Fork Fishhook Creek	44N	04E	22		
020	Unnamed Stream	Outlaw Creek	44N	04E	22		
021	Middle Creek	Red Raven Creek	44N	04E	24		
022	Outlaw Creek	West Fork Fishhook Creek	44N	04E	24		
023	Red Raven Creek	Outlaw Creek	44N	04E	24		
024	Unnamed Stream	Outlaw Creek	44N	04E	24		
025	Unnamed Stream	Outlaw Creek	44N	04E	24		
026	Unnamed Stream	Outlaw Creek	44N	04E	24		
027	Unnamed Stream	Outlaw Creek	44N	04E	24		
028	Middle Creek	Red Raven Creek	44N	04E	26		
029	Red Raven Creek	Outlaw Creek	44N	04E	26		
030	Middle Creek	Red Raven Creek	44N	04E	27		
031	Outlaw Creek	West Fork Fishhook Creek	44N	04E	27		
032	Middle Creek	Red Raven Creek	44N	04E	34		
033	Unnamed Stream	Middle Creek	44N	04E	34		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
034	Unnamed Stream	Red Raven Creek	44N	04E	34		
035	Red Raven Creek	Outlaw Creek	44N	04E	35		
036	Unnamed Stream	Red Raven Creek	44N	04E	35		
037	Unnamed Stream	Red Raven Creek	44N	04E	35		
038	Unnamed Stream	East Fork Fishhook Creek	44N	04E	36		
039	Unnamed Stream	Red Raven Creek	44N	04E	36		
040	Unnamed Stream	Red Raven Creek	44N	04E	36		
041	Fishhook Creek	St Joe River	44N	05E	04		
042	Unnamed Stream	Cougar Creek	44N	05E	04		
043	Unnamed Stream	Fishhook Creek	44N	05E	04		
044	Unnamed Stream	Fishhook Creek	44N	05E	04		
045	Unnamed Stream	Fishhook Creek	44N	05E	04		
046	Unnamed Stream	Fishhook Creek	44N	05E	04		
047	Unnamed Stream	Fishhook Creek	44N	05E	04		
048	Fishhook Creek	St Joe River	44N	05E	05		
049	Lick Creek	Fishhook Creek	44N	05E	05		
050	Unnamed Stream	Fishhook Creek	44N	05E	05		
051	Wawa Creek	Lick Creek	44N	05E	05		
052	Unnamed Stream	Wawa Creek	44N	05E	06		
053	Unnamed Stream	Wawa Creek	44N	05E	06		
054	Unnamed Stream	Wawa Creek	44N	05E	06		
055	Unnamed Stream	Wawa Creek	44N	05E	06		
056	Fishhook Creek	St Joe River	44N	05E	08		
057	Lick Creek	Fishhook Creek	44N	05E	08		
058	Unnamed Stream	Fishhook Creek	44N	05E	08		
059	Unnamed Stream	Fishhook Creek	44N	05E	08		
060	Unnamed Stream	Lick Creek	44N	05E	08		
061	Unnamed Stream	Wawa Creek	44N	05E	08		
062	Wawa Creek	Lick Creek	44N	05E	08		
063	Cougar Creek	Fishhook Creek	44N	05E	10		
064	Unnamed Stream	Cougar Creek	44N	05E	10		
065	Unnamed Stream	Cougar Creek	44N	05E	10		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
066	Unnamed Stream	Cougar Creek	44N	05E	10		
067	Unnamed Stream	Fishhook Creek	44N	05E	16		
068	Unnamed Stream	Fishhook Creek	44N	05E	16		
069	Unnamed Stream	Fishhook Creek	44N	05E	16		
070	Unnamed Stream	Fishhook Creek	44N	05E	16		
071	Unnamed Stream	Fishhook Creek	44N	05E	16		
072	Unnamed Stream	Fishhook Creek	44N	05E	16		
073	Lick Creek	Fishhook Creek	44N	05E	18		
074	Unnamed Stream	Lick Creek	44N	05E	18		
075	Unnamed Stream	Lick Creek	44N	05E	18		
076	Unnamed Stream	Lick Creek	44N	05E	18		
077	Unnamed Stream	Lick Creek	44N	05E	18		
078	Unnamed Stream	West Fork Fishhook Creek	44N	05E	18		
079	East Fork Fishhook Creek	Fishhook Creek	44N	05E	20		
080	Unnamed Stream	East Fork Fishhook Creek	44N	05E	20		
081	Unnamed Stream	Fishhook Creek	44N	05E	20		
082	West Fork Fishhook Creek	Fishhook Creek	44N	05E	20		
083	Unnamed Stream	East Fork Fishhook Creek	44N	05E	28		
084	Unnamed Stream	East Fork Fishhook Creek	44N	05E	28		
085	Unnamed Stream	East Fork Fishhook Creek	44N	05E	28		
086	Unnamed Stream	West Fork Fishhook Creek	44N	05E	30		
087	Unnamed Stream	West Fork Fishhook Creek	44N	05E	30		
088	Unnamed Stream	West Fork Fishhook Creek	44N	05E	30		
089	West Fork Fishhook Creek	Fishhook Creek	44N	05E	30		
090	Unnamed Stream	East Fork Fishhook Creek	44N	05E	31		
091	Unnamed Stream	East Fork Fishhook Creek	44N	05E	31		
092	Unnamed Stream	East Fork Fishhook Creek	44N	05E	31		
093	East Fork Fishhook Creek	Fishhook Creek	44N	05E	32		
094	Chute Creek	Fishhook Creek	45N	05E	20		
095	Fishhook Creek	St Joe River	45N	05E	20		
096	Unnamed Stream	Fishhook Creek	45N	05E	20		
097	Unnamed Stream	Fishhook Creek	45N	05E	20		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
098	Fishhook Creek	St Joe River	45N	05E	28		
099	Unnamed Stream	Fishhook Creek	45N	05E	28		
100	Unnamed Stream	Fishhook Creek	45N	05E	28		
101	Unnamed Stream	Fishhook Creek	45N	05E	28		
102	Unnamed Stream	Fishhook Creek	45N	05E	30		
103	Fishhook Creek	St Joe River	45N	05E	32		
104	Horsecamp Creek	Fishhook Creek	45N	05E	32		
105	Unnamed Stream	Fishhook Creek	45N	05E	32		
106	Unnamed Stream	Fishhook Creek	45N	05E	32		
107	Unnamed Stream	Fishhook Creek	45N	05E	32		
108	Unnamed Stream	Fishhook Creek	45N	05E	32		
109	Unnamed Stream	Fishhook Creek	45N	05E	32		
110	Unnamed Stream	Fishhook Creek	45N	05E	32		
111	Unnamed Stream	Fishhook Creek	45N	05E	32		
112	Horsecamp Creek	Fishhook Creek	45N	05E	34		
113	Crow Lake	Red Raven Creek	44N	04E	35		

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		

