

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. 91-07979A

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 Upper Slate Creek subwatershed (HUC12 170103040401).

QUANTITY: 1.000 CFS
41.20 AFY

The quantity under this water right is limited to up to 41.200 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. 91-07979A, 91-07979B, 91-07979C, 91-07979D and 91-07979E are limited to a total combined annual diversion volume of 41.200 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 41.20 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 Upper Slate Creek (HUC12 170103040401), Big Creek subwatershed (HUC 12 170103040602), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Lower Slate Creek subwatershed (HUC12 170103040402), Upper North Fork St Joe River subwatershed (HUC12 170103040202), Lower North Fork St Joe River subwatershed (HUC12 170103040203), Flemming Creek-St Joe River (HUC12 170103040601), Placer Creek subwatershed (HUC12 170103020103) and Big Creek subwatershed (HUC12 170103020302).

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	Rover Creek	Slate Creek	46N	04E	02		
003	Unnamed Stream	Rover Creek	46N	04E	02		
004	Unnamed Stream	Rover Creek	46N	04E	02		
005	Unnamed Stream	Slate Creek	46N	04E	02		
006	Unnamed Stream	Slate Creek	46N	04E	02		
007	Flume Creek	Slate Creek	46N	04E	04		
008	Unnamed Stream	Flume Creek	46N	04E	04		
009	Unnamed Stream	Flume Creek	46N	04E	04		
010	Unnamed Stream	Flume Creek	46N	04E	04		
011	Unnamed Stream	Flume Creek	46N	04E	04		
012	Unnamed Stream	Flume Creek	46N	04E	04		
013	Dam Creek	Slate Creek	46N	04E	06		
014	Unnamed Stream	Dam Creek	46N	04E	06		
015	Unnamed Stream	Dam Creek	46N	04E	06		
016	Unnamed Stream	Dam Creek	46N	04E	06		
017	Unnamed Stream	Dam Creek	46N	04E	06		
018	Unnamed Stream	Dam Creek	46N	04E	08		
019	Binney Creek	Slate Creek	46N	04E	12		
020	Cedar Creek	Slate Creek	46N	04E	12		
021	Rover Creek	Slate Creek	46N	04E	12		
022	Slate Creek	Saint Joe River	46N	04E	12		
023	Unnamed Stream	Slate Creek	46N	04E	12		
024	Binney Creek	Slate Creek	46N	05E	06		
025	Cairn Creek	Slate Creek	46N	05E	06		
026	Unnamed Stream	Binney Creek	46N	05E	06		

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	Slate Creek	46N	05E	06		
028	Unnamed Stream	Slate Creek	46N	05E	06		
029	Binney Creek	Slate Creek	46N	05E	08		
030	Unnamed Stream	Cedar Creek	46N	05E	08		
031	Unnamed Stream	Cedar Creek	46N	05E	08		
032	Unnamed Stream	Cedar Creek	46N	05E	08		
033	Unnamed Stream	Cedar Creek	46N	05E	16		
034	Cedar Creek	Slate Creek	46N	05E	18		
035	Unnamed Stream	Cedar Creek	46N	05E	18		
036	Unnamed Stream	Cedar Creek	46N	05E	18		
037	Unnamed Stream	Cedar Creek	46N	05E	18		
038	Unnamed Stream	Cedar Creek	46N	05E	18		
039	Unnamed Stream	Cedar Creek	46N	05E	18		
040	Unnamed Stream	Cedar Creek	46N	05E	18		
041	Unnamed Stream	Cedar Creek	46N	05E	18		
042	Unnamed Stream	Cedar Creek	46N	05E	19	NENW	
043	Unnamed Stream	Cedar Creek	46N	05E	19	NWNW	L 1
044	Unnamed Stream	Cedar Creek	46N	05E	19	SEnw	
045	Cedar Creek	Slate Creek	46N	05E	20		
046	Unnamed Stream	Cedar Creek	46N	05E	20		
047	Pond Creek	Slate Creek	47N	03E	13		
048	Unnamed Stream	Pond Creek	47N	03E	13		
049	Unnamed Stream	Pond Creek	47N	03E	13		
050	Unnamed Stream	Pond Creek	47N	03E	13		
051	Unnamed Stream	Pond Creek	47N	03E	13		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
052	Pond Creek	Slate Creek	47N	03E	24		
053	Unnamed Stream	Pond Creek	47N	03E	24		
054	Unnamed Stream	Pond Creek	47N	03E	24		
055	Unnamed Stream	Pond Creek	47N	03E	24		
056	Unnamed Stream	Slate Creek	47N	03E	24		
057	Unnamed Stream	Slate Creek	47N	03E	24		
058	Unnamed Stream	Slate Creek	47N	03E	24		
059	Unnamed Stream	Slate Creek	47N	03E	24		
060	Unnamed Stream	Slate Creek	47N	03E	24		
061	Unnamed Stream	Slate Creek	47N	03E	24		
062	Slate Creek	Saint Joe River	47N	03E	25		
063	Unnamed Stream	Slate Creek	47N	03E	25		
064	Unnamed Stream	Slate Creek	47N	03E	25		
065	Unnamed Stream	Slate Creek	47N	03E	25		
066	Unnamed Stream	Slate Creek	47N	03E	25		
067	Unnamed Stream	Slate Creek	47N	03E	25		
068	Unnamed Stream	Slate Creek	47N	03E	25		
069	Unnamed Stream	Slate Creek	47N	03E	25		
070	Unnamed Stream	Slate Creek	47N	03E	25		
071	Unnamed Stream	Slate Creek	47N	03E	25		
072	Unnamed Stream	Slate Creek	47N	03E	25		
073	Unnamed Stream	Slate Creek	47N	03E	25		
074	Slate Creek	Saint Joe River	47N	03E	36		
075	Unnamed Stream	Slate Creek	47N	03E	36		
076	Unnamed Stream	Slate Creek	47N	04E	07		

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	Slate Creek	47N	04E	07		
078	Unnamed Stream	Slate Creek	47N	04E	07		
079	Unnamed Stream	Slate Creek	47N	04E	08		
080	Unnamed Stream	Slate Creek	47N	04E	08		
081	Unnamed Stream	Slate Creek	47N	04E	08		
082	Red Top Creek	Slate Creek	47N	04E	14		
083	Unnamed Stream	Placer Creek	47N	04E	14		
084	Unnamed Stream	Red Top Creek	47N	04E	14		
085	Unnamed Stream	Red Top Creek	47N	04E	14		
086	Red Top Creek	Slate Creek	47N	04E	15		
087	Unnamed Stream	Red Top Creek	47N	04E	15		
088	Unnamed Stream	Slate Creek	47N	04E	15		
089	Unnamed Stream	Pond Creek	47N	04E	17		
090	Unnamed Stream	Pond Creek	47N	04E	17		
091	Unnamed Stream	Slate Creek	47N	04E	17		
092	Unnamed Stream	Slate Creek	47N	04E	17		
093	Unnamed Stream	Slate Creek	47N	04E	17		
094	Unnamed Stream	Slate Creek	47N	04E	17		
095	Unnamed Stream	Slate Creek	47N	04E	17		
096	Unnamed Stream	Slate Creek	47N	04E	17		
097	Unnamed Stream	Slate Creek	47N	04E	17		
098	Unnamed Stream	Slate Creek	47N	04E	17		
099	Unnamed Stream	Slate Creek	47N	04E	17		
100	Unnamed Stream	Slate Creek	47N	04E	17		
101	Unnamed Stream	Slate Creek	47N	04E	17		

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	Slate Creek	47N	04E	17		
103	Unnamed Stream	Pond Creek	47N	04E	18		
104	Unnamed Stream	Pond Creek	47N	04E	18		
105	Unnamed Stream	Pond Creek	47N	04E	18		
106	Unnamed Stream	Slate Creek	47N	04E	18		
107	Unnamed Stream	Slate Creek	47N	04E	18		
108	Unnamed Stream	Slate Creek	47N	04E	18		
109	Unnamed Stream	Slate Creek	47N	04E	18		
110	Pond Creek	Slate Creek	47N	04E	19		
111	Slate Creek	Saint Joe River	47N	04E	19		
112	Unnamed Stream	Pond Creek	47N	04E	19		
113	Unnamed Stream	Pond Creek	47N	04E	19		
114	Unnamed Stream	Pond Creek	47N	04E	19		
115	Unnamed Stream	Pond Creek	47N	04E	19		
116	Unnamed Stream	Pond Creek	47N	04E	19		
117	Unnamed Stream	Slate Creek	47N	04E	19		
118	Pond Creek	Slate Creek	47N	04E	20		
119	Slate Creek	Saint Joe River	47N	04E	20		
120	Unnamed Stream	Pond Creek	47N	04E	20		
121	Unnamed Stream	Pond Creek	47N	04E	20		
122	Unnamed Stream	Slate Creek	47N	04E	20		
123	Unnamed Stream	Slate Creek	47N	04E	20		
124	Murray Creek	Slate Creek	47N	04E	22		
125	Unnamed Stream	Murray Creek	47N	04E	22		
126	Unnamed Stream	Red Top Creek	47N	04E	22		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
127	Unnamed Stream	Slate Creek	47N	04E	22		
128	Unnamed Stream	Slate Creek	47N	04E	22		
129	Unnamed Stream	Slate Creek	47N	04E	22		
130	Unnamed Stream	Slate Creek	47N	04E	22		
131	Summit Creek	Slate Creek	47N	04E	24		
132	Unnamed Stream	Summit Creek	47N	04E	24		
133	Unnamed Stream	Summit Creek	47N	04E	24		
134	Unnamed Stream	Summit Creek	47N	04E	24		
135	Unnamed Stream	Summit Creek	47N	04E	24		
136	Unnamed Stream	Summit Creek	47N	04E	24		
137	Unnamed Stream	Summit Creek	47N	04E	24		
138	Unnamed Stream	Summit Creek	47N	04E	24		
139	Unnamed Stream	Summit Creek	47N	04E	24		
140	Unnamed Stream	Red Top Creek	47N	04E	26	NENE	
141	Unnamed Stream	Slate Creek	47N	04E	26	NENW	
142	Slate Creek	Saint Joe River	47N	04E	26	NESE	
143	Unnamed Stream	Slate Creek	47N	04E	26	NESE	
144	Unnamed Stream	Slate Creek	47N	04E	26	NESE	
145	Red Top Creek	Slate Creek	47N	04E	26	NWNE	
146	Unnamed Stream	Red Top Creek	47N	04E	26	NWNE	
147	Unnamed Stream	Slate Creek	47N	04E	26	NWNW	
148	Unnamed Stream	Slate Creek	47N	04E	26	NWNW	
149	Unnamed Stream	Slate Creek	47N	04E	26	NWNW	
150	Unnamed Stream	Slate Creek	47N	04E	26	NWSW	
151	Unnamed Stream	Slate Creek	47N	04E	26	NWSW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
152	Slate Creek	Saint Joe River	47N	04E	26	SENE	
153	Unnamed Stream	Slate Creek	47N	04E	26	SENE	
154	Slate Creek	Saint Joe River	47N	04E	26	SENW	
155	Unnamed Stream	Slate Creek	47N	04E	26	SENW	
156	Unnamed Stream	Slate Creek	47N	04E	26	SENW	
157	Unnamed Stream	Slate Creek	47N	04E	26	SENW	
158	Unnamed Stream	Slate Creek	47N	04E	26	SENW	
159	Unnamed Stream	Slate Creek	47N	04E	26	SENW	
160	Unnamed Stream	Slate Creek	47N	04E	26	SENW	
161	Unnamed Stream	Slate Creek	47N	04E	26	SESE	
162	Red Top Creek	Slate Creek	47N	04E	26	SWNE	
163	Slate Creek	Saint Joe River	47N	04E	26	SWNE	
164	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
165	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
166	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
167	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
168	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
169	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
170	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
171	Unnamed Stream	Slate Creek	47N	04E	26	SWNE	
172	Slate Creek	Saint Joe River	47N	04E	26	SWNW	
173	Unnamed Stream	Slate Creek	47N	04E	26	SWNW	
174	Unnamed Stream	Slate Creek	47N	04E	26	SWNW	
175	Unnamed Stream	Slate Creek	47N	04E	26	SWNW	
176	Unnamed Stream	Slate Creek	47N	04E	26	SWSW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
177	Unnamed Stream	Slate Creek	47N	04E	26	SWSW	
178	Dam Creek	Slate Creek	47N	04E	28		
179	Slate Creek	Saint Joe River	47N	04E	28		
180	Unnamed Stream	Flume Creek	47N	04E	28		
181	Unnamed Stream	Flume Creek	47N	04E	28		
182	Unnamed Stream	Flume Creek	47N	04E	28		
183	Unnamed Stream	Slate Creek	47N	04E	28		
184	Unnamed Stream	Slate Creek	47N	04E	28		
185	Slate Creek	Saint Joe River	47N	04E	30		
186	Unnamed Stream	Dam Creek	47N	04E	30		
187	Unnamed Stream	Slate Creek	47N	04E	30		
188	Unnamed Stream	Slate Creek	47N	04E	30		
189	Dam Creek	Slate Creek	47N	04E	32		
190	Unnamed Stream	Dam Creek	47N	04E	32		
191	Unnamed Stream	Dam Creek	47N	04E	32		
192	Unnamed Stream	Dam Creek	47N	04E	32		
193	Unnamed Stream	Dam Creek	47N	04E	32		
194	Unnamed Stream	Dam Creek	47N	04E	32		
195	Unnamed Stream	Dam Creek	47N	04E	32		
196	Unnamed Stream	Dam Creek	47N	04E	32		
197	Unnamed Stream	Dam Creek	47N	04E	32		
198	Flume Creek	Slate Creek	47N	04E	34		
199	Foolhen Creek	Flume Creek	47N	04E	34		
200	Unnamed Stream	Foolhen Creek	47N	04E	34		
201	Unnamed Stream	Foolhen Creek	47N	04E	34		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
202	Unnamed Stream	Foolhen Creek	47N	04E	34		
203	Unnamed Stream	Foolhen Creek	47N	04E	34		
204	Unnamed Stream	Summit Creek	47N	05E	19		
205	Unnamed Stream	Summit Creek	47N	05E	19		
206	Horseshoe Creek	Slate Creek	47N	05E	30		
207	Unnamed Stream	Horseshoe Creek	47N	05E	30		
208	Unnamed Stream	Slate Creek	47N	05E	30		
209	Unnamed Stream	Slate Creek	47N	05E	30		
210	Unnamed Stream	Slate Creek	47N	05E	30		
211	Cairn Creek	Slate Creek	47N	05E	31		
212	Fisher Creek	Slate Creek	47N	05E	31		
213	Unnamed Stream	Fisher Creek	47N	05E	31		
214	Unnamed Stream	Fisher Creek	47N	05E	31		
215	Unnamed Stream	Slate Creek	47N	05E	31		
216	Unnamed Stream	Slate Creek	47N	05E	31		
217	Unnamed Stream	Slate Creek	47N	05E	31		
218	Unnamed Stream	Slate Creek	47N	05E	31		
219	Unnamed Stream	Slate Creek	47N	05E	31		
220	Unnamed Stream	Fisher Creek	47N	05E	32		
221	Unnamed Stream	Slate Creek	47N	05E	32		
222	Unnamed Stream	Slate Creek	47N	05E	32		
223	Unnamed Pond	Pond Creek	47N	03E	24		
224	Unnamed Pond	Slate Creek	47N	04E	26	SENW	
225	Unnamed Pond	Dam Creek	47N	04E	32		
226	Unnamed Pond	Dam Creek	47N	04E	32		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
227	Unnamed Pond	Dam Creek	47N	04E	32		
228	Unnamed Pond	Dam Creek	47N	04E	32		

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		

