

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. 91-07981F

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 Marble Creek subwatershed (HUC12 170103040501).

QUANTITY: 1.000 CFS
37.30 AFY

The quantity under this water right is limited to up to 37.300 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. 91-07981A, 91-07981B, 91-07981C, 91-07981D, 91-07981E, 91-07981F, 91-07981G, 91-07981H, 91-07981I, 91-07981J, 91-07981K, 91-07981L, 91-07981M, 91-07981N, 91-07981O, 91-07981P and 91-07981Q are limited to a total combined annual diversion volume of 37.300 acre feet.

PRIORITY DATE: 12/22/1934

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 37.30 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 Upper Marble Creek (HUC12 170103040501), Middle Marble Creek subwatershed (HUC12 170103040503), Lower Marble Creek subwatershed (HUC12 170103040505), Boulder Creek subwatershed (HUC12 170103040504), Fishhook Creek subwatershed (HUC12 170103040307), Middle Fork St Maries River subwatershed (HUC12 170103040701), Lost Lake-Little North Fork Clearwater River subwatershed (HUC12 170603080101), Floodwood Creek subwatershed (HUC12 170603080203) and Grover Creek subwatershed (HUC12 170603080201).

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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Unnamed Stream	Marble Creek	43N	03E	1	NENW	L 3
3	Marble Creek	Saint Joe River	43N	03E	1	NWNW	L 4
4	Unnamed Stream	Marble Creek	43N	03E	1	NWNW	L 4
5	Marble Creek	Saint Joe River	43N	03E	1	SENW	
6	Unnamed Stream	Marble Creek	43N	03E	1	SENW	
7	Marble Creek	Saint Joe River	43N	03E	1	SWNW	
8	Unnamed Stream	Marble Creek	43N	03E	13	SENE	
9	Unnamed Stream	Marble Creek	43N	03E	13	SENE	
10	Freezeout Creek	Marble Creek	43N	03E	13	SESE	
11	Unnamed Stream	Marble Creek	43N	03E	13	SWNE	
12	Unnamed Stream	Marble Creek	43N	03E	13	SWNE	
13	Cornwall Creek	Marble Creek	43N	03E	23	NWNW	
14	Freezeout Creek	Marble Creek	43N	03E	24	NENE	
15	Unnamed Stream	Freezeout Creek	43N	03E	24	NENW	
16	Freezeout Creek	Marble Creek	43N	03E	24	NWNE	
17	Unnamed Stream	Freezeout Creek	43N	03E	24	SENE	
18	Unnamed Stream	Freezeout Creek	43N	03E	24	SENW	
19	Unnamed Stream	Freezeout Creek	43N	03E	24	SENW	
20	Unnamed Stream	Freezeout Creek	43N	03E	25	SWNE	
21	Unnamed Stream	Freezeout Creek	43N	03E	25	SWSW	
22	Unnamed Stream	Freezeout Creek	43N	03E	26	NESW	
23	Unnamed Stream	Freezeout Creek	43N	03E	26	NWNW	
24	Unnamed Stream	Freezeout Creek	43N	03E	26	NWSW	
25	Freezeout Creek	Marble Creek	43N	03E	26	SESE	
26	Unnamed Stream	Freezeout Creek	43N	03E	26	SESE	
27	Unnamed Stream	Freezeout Creek	43N	03E	26	SESW	
28	Unnamed Stream	Freezeout Creek	43N	03E	26	SWNW	
29	Unnamed Stream	Freezeout Creek	43N	03E	26	SWNW	
30	Freezeout Creek	Marble Creek	43N	03E	26	SWSE	
31	Unnamed Stream	Freezeout Creek	43N	03E	27	NENE	
32	Unnamed Stream	Freezeout Creek	43N	03E	27	NESE	
33	Unnamed Stream	Freezeout Creek	43N	03E	27	SENE	

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		

