

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. 91-07982C

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 Bussel Creek subwatershed (HUC12 170103040502).

QUANTITY: 1.000 CFS
19.30 AFY

The quantity under this water right is limited to up to 19.300 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. 91-07982A, 91-07982B, 91-07982C, 91-07982D, 91-07982E, 91-07982F, 91-07982G, 91-07982H, 91-07982I and 91-07982J are limited to a total combined annual diversion volume of 19.300 acre feet.

PRIORITY DATE: 10/20/1932

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 19.30 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 Bussel Creek subwatershed (HUC12 170103040502), Mica Creek subwatershed (HUC12 170103040604), Middle Marble Creek subwatershed (HUC12 170103040503), Merry Creek-Middle Fork St. Maries River subwatershed (HUC12 170103040702) and Olson Creek-St. Maries River (HUC12 170103040802).

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	Bussel Creek	Marble Creek	43N	02E	02		
003	Unnamed Stream	Lines Creek	43N	02E	03		
004	Unnamed Stream	Lines Creek	43N	02E	03		
005	Unnamed Stream	Lines Creek	43N	02E	03		
006	Unnamed Stream	Lines Creek	43N	02E	03		
007	Unnamed Stream	Lines Creek	43N	02E	04		
008	Unnamed Stream	Lines Creek	43N	02E	04		
009	Unnamed Stream	Lines Creek	43N	02E	04		
010	Toles Creek	Bussel Creek	44N	02E	15		
011	Unnamed Stream	Toles Creek	44N	02E	15		
012	Unnamed Stream	Toles Creek	44N	02E	15		
013	Unnamed Stream	Toles Creek	44N	02E	15		
014	Unnamed Stream	Toles Creek	44N	02E	15		
015	Unnamed Stream	Toles Creek	44N	02E	15		
016	Unnamed Stream	Toles Creek	44N	02E	16		
017	Unnamed Stream	Toles Creek	44N	02E	16		
018	Unnamed Stream	Norton Creek	44N	02E	20	SESW	
019	Unnamed Stream	Norton Creek	44N	02E	21		
020	Unnamed Stream	Norton Creek	44N	02E	21		
021	Unnamed Stream	Toles Creek	44N	02E	21		
022	Unnamed Stream	Toles Creek	44N	02E	21		
023	Unnamed Stream	Toles Creek	44N	02E	21		
024	Unnamed Stream	Toles Creek	44N	02E	21		
025	Unnamed Stream	Toles Creek	44N	02E	21		
026	Toles Creek	Bussel Creek	44N	02E	22		
027	Unnamed Stream	Toles Creek	44N	02E	22		

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	Toles Creek	44N	02E	22		
029	Unnamed Stream	Toles Creek	44N	02E	22		
030	Unnamed Stream	Toles Creek	44N	02E	22		
031	Unnamed Stream	Toles Creek	44N	02E	22		
032	Unnamed Stream	Toles Creek	44N	02E	22		
033	Unnamed Stream	Toles Creek	44N	02E	22		
034	Unnamed Stream	Bear Creek	44N	02E	23	NENE	
035	Bear Creek	Bussel Creek	44N	02E	23	NENW	
036	Bear Creek	Bussel Creek	44N	02E	23	NESE	
037	Unnamed Stream	Bear Creek	44N	02E	23	NESE	
038	Bear Creek	Bussel Creek	44N	02E	23	NWNE	
039	Unnamed Stream	Toles Creek	44N	02E	23	NWNW	
040	Unnamed Stream	Bear Creek	44N	02E	23	NWSE	
041	Unnamed Stream	Bear Creek	44N	02E	23	NWSE	
042	Bear Creek	Bussel Creek	44N	02E	23	SENE	
043	Unnamed Stream	Bear Creek	44N	02E	23	SENE	
044	Unnamed Stream	Bear Creek	44N	02E	23	SENE	
045	Unnamed Stream	Bear Creek	44N	02E	23	SENE	
046	Unnamed Stream	Bear Creek	44N	02E	23	SENE	
047	Bear Creek	Bussel Creek	44N	02E	23	SESE	
048	Unnamed Stream	Bear Creek	44N	02E	23	SESW	
049	Bear Creek	Bussel Creek	44N	02E	23	SWNE	
050	Unnamed Stream	Bear Creek	44N	02E	23	SWSE	
051	Unnamed Stream	Bear Creek	44N	02E	23	SWSE	
052	Toles Creek	Bussel Creek	44N	02E	23	SWSW	
053	Unnamed Stream	Little Bear Creek	44N	02E	24	NENW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
054	Unnamed Stream	Bear Creek	44N	02E	24	NWNW	
055	Bear Creek	Bussel Creek	44N	02E	24	NWSW	
056	Unnamed Stream	Bear Creek	44N	02E	24	NWSW	
057	Little Bear Creek	Bussel Creek	44N	02E	24	SWNE	
058	Unnamed Stream	Little Bear Creek	44N	02E	24	SWNE	
059	Unnamed Stream	Little Bear Creek	44N	02E	24	SWNE	
060	Unnamed Stream	Little Bear Creek	44N	02E	24	SWNE	
061	Unnamed Stream	Bear Creek	44N	02E	24	SWNW	
062	Unnamed Stream	Bear Creek	44N	02E	24	SWNW	
063	Bear Creek	Bussel Creek	44N	02E	24	SWSW	
064	Bear Creek	Bussel Creek	44N	02E	25	NESW	
065	Bussel Creek	Marble Creek	44N	02E	25	NESW	
066	Bear Creek	Bussel Creek	44N	02E	25	NWNW	
067	Bear Creek	Bussel Creek	44N	02E	25	NWSE	
068	Bussel Creek	Marble Creek	44N	02E	25	NWSE	
069	Unnamed Stream	Bussel Creek	44N	02E	25	NWSE	
070	Bussel Creek	Marble Creek	44N	02E	25	NWSW	
071	Toles Creek	Bussel Creek	44N	02E	25	NWSW	
072	Bear Creek	Bussel Creek	44N	02E	25	SENW	
073	Bear Creek	Bussel Creek	44N	02E	25	SWNW	
074	Unnamed Stream	Bear Creek	44N	02E	25	SWNW	
075	Unnamed Stream	Bussel Creek	44N	02E	25	SWSE	
076	Bussel Creek	Marble Creek	44N	02E	25	SWSW	
077	Bear Creek	Bussel Creek	44N	02E	26		
078	Bussel Creek	Marble Creek	44N	02E	26		
079	Norton Creek	Bussel Creek	44N	02E	26		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
080	Toles Creek	Bussel Creek	44N	02E	26		
081	Unnamed Stream	Bear Creek	44N	02E	26		
082	Unnamed Stream	Bear Creek	44N	02E	26		
083	Unnamed Stream	Bear Creek	44N	02E	26		
084	Unnamed Stream	Toles Creek	44N	02E	26		
085	Norton Creek	Bussel Creek	44N	02E	27		
086	Unnamed Stream	Lines Creek	44N	02E	27		
087	Unnamed Stream	Lines Creek	44N	02E	27		
088	Unnamed Stream	Toles Creek	44N	02E	27		
089	Norton Creek	Bussel Creek	44N	02E	28		
090	Unnamed Stream	Norton Creek	44N	02E	28		
091	Unnamed Stream	Norton Creek	44N	02E	28		
092	Unnamed Stream	Norton Creek	44N	02E	28		
093	Unnamed Stream	Norton Creek	44N	02E	28		
094	Unnamed Stream	Toles Creek	44N	02E	28		
095	Unnamed Stream	Norton Creek	44N	02E	29	NENE	
096	Unnamed Stream	Norton Creek	44N	02E	29	NENE	
097	Norton Creek	Bussel Creek	44N	02E	29	NESE	
098	Unnamed Stream	Norton Creek	44N	02E	29	NESW	
099	Unnamed Stream	Norton Creek	44N	02E	29	NWNE	
100	Unnamed Stream	Norton Creek	44N	02E	29	NWNE	
101	Unnamed Stream	Norton Creek	44N	02E	29	NWSW	
102	Unnamed Stream	Norton Creek	44N	02E	29	SENE	
103	Norton Creek	Bussel Creek	44N	02E	29	SESE	
104	Unnamed Stream	Norton Creek	44N	02E	29	SESE	
105	Unnamed Stream	Norton Creek	44N	02E	29	SESW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
106	Unnamed Stream	Norton Creek	44N	02E	29	SESW	
107	Unnamed Stream	Norton Creek	44N	02E	29	SESW	
108	Unnamed Stream	Norton Creek	44N	02E	29	SWNW	
109	Unnamed Stream	Norton Creek	44N	02E	29	SWSE	
110	Norton Creek	Bussel Creek	44N	02E	32		
111	Unnamed Stream	Norton Creek	44N	02E	32		
112	Unnamed Stream	Norton Creek	44N	02E	32		
113	Unnamed Stream	Norton Creek	44N	02E	32		
114	Unnamed Stream	Lines Creek	44N	02E	33	NENE	
115	Unnamed Stream	Lines Creek	44N	02E	33	NESW	
116	Unnamed Stream	Norton Creek	44N	02E	33	NWNW	
117	Unnamed Stream	Lines Creek	44N	02E	33	NWSE	
118	Unnamed Stream	Lines Creek	44N	02E	33	SENE	
119	Unnamed Stream	Lines Creek	44N	02E	33	SENE	
120	Unnamed Stream	Lines Creek	44N	02E	33	SENE	
121	Unnamed Stream	Lines Creek	44N	02E	33	SENW	
122	Lines Creek	Bussel Creek	44N	02E	33	SESE	
123	Lines Creek	Bussel Creek	44N	02E	33	SESW	
124	Unnamed Stream	Lines Creek	44N	02E	33	SWNE	
125	Unnamed Stream	Lines Creek	44N	02E	33	SWNE	
126	Lines Creek	Bussel Creek	44N	02E	33	SWSE	
127	Lines Creek	Bussel Creek	44N	02E	34		
128	Unnamed Stream	Lines Creek	44N	02E	34		
129	Unnamed Stream	Lines Creek	44N	02E	34		
130	Unnamed Stream	Lines Creek	44N	02E	34		
131	Unnamed Stream	Lines Creek	44N	02E	34		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
132	Unnamed Stream	Lines Creek	44N	02E	34		
133	Unnamed Stream	Lines Creek	44N	02E	34		
134	Unnamed Stream	Lines Creek	44N	02E	34		
135	Unnamed Stream	Lines Creek	44N	02E	34		
136	Bussel Creek	Marble Creek	44N	02E	35		
137	Lines Creek	Bussel Creek	44N	02E	35		
138	Norton Creek	Bussel Creek	44N	02E	35		
139	Unnamed Stream	Bussel Creek	44N	02E	35		
140	Unnamed Stream	Bussel Creek	44N	02E	36		
141	Unnamed Stream	Bussel Creek	44N	02E	36		

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		

