

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. 91-07985A

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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 Lower Marble Creek subwatershed (HUC12 170103040505).

QUANTITY: 1.000 CFS  
15.20 AFY

The quantity under this water right is limited to up to 15.20 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. 91-07985A, 91-07985B, 91-07985C, 91-07985D, 91-07985E, 91-07985F, 91-07985G, 91-07985H, 91-07985I, 91-07985J, 91-07985K, 91-07985L, 91-07985M and 91-08016 are limited to a total combined annual diversion volume of 15.20 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 15.20 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 Lower Marble Creek subwatershed (HUC12 170103040505), Flemming Creek-St Joe River subwatershed (HUC12 170103040601), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Boulder Creek subwatershed (HUC12 170103040504), Upper Marble Creek subwatershed (HUC12 170103040501), Middle Marble Creek subwatershed (HUC12 170103040503) and Mica Creek subwatershed (HUC12 170103040604).

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.

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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	Daveggio Creek	44N	03E	13	NESE	
3	Unnamed Stream	Daveggio Creek	44N	03E	13	SESE	
4	Unnamed Stream	Daveggio Creek	44N	03E	13	SESW	
5	Little Daveggio Creek	Daveggio Creek	44N	03E	14	NESW	
6	Unnamed Stream	Little Daveggio Creek	44N	03E	14	NESW	
7	Unnamed Stream	Little Daveggio Creek	44N	03E	14	NWNW	
8	Little Daveggio Creek	Daveggio Creek	44N	03E	14	NWSW	
9	Little Daveggio Creek	Daveggio Creek	44N	03E	14	SWNW	
10	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWNW	
11	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWSW	
12	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWSW	
13	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWSW	
14	Little Daveggio Creek	Daveggio Creek	44N	03E	15	NENW	
15	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NESE	
16	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NESE	
17	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NESW	
18	Little Daveggio Creek	Daveggio Creek	44N	03E	15	NWNE	
19	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NWSE	
20	Little Daveggio Creek	Daveggio Creek	44N	03E	15	SENE	
21	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
22	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
23	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
24	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
25	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
26	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SESE	
27	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SESE	
28	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SESW	
29	Little Daveggio Creek	Daveggio Creek	44N	03E	15	SWNE	
30	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SWNE	
31	Unnamed Stream	Little Daveggio Creek	44N	03E	22		
32	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
33	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
34	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
35	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
36	Daveggio Creek	Marble Creek	44N	04E	7	NESE	
37	Daveggio Creek	Marble Creek	44N	04E	7	SESE	
38	Daveggio Creek	Marble Creek	44N	04E	7	SWNW	L 2
39	Unnamed Stream	Daveggio Creek	44N	04E	7	SWSW	L 4
40	Daveggio Creek	Marble Creek	44N	04E	8		
41	Daveggio Creek	Marble Creek	44N	04E	17		
42	Unnamed Stream	Daveggio Creek	44N	04E	17		
43	Daveggio Creek	Marble Creek	44N	04E	18		
44	Unnamed Stream	Daveggio Creek	44N	04E	18		
45	Unnamed Stream	Daveggio Creek	44N	04E	18		
46	Unnamed Stream	Daveggio Creek	44N	04E	18		
47	Therault Lake	Daveggio Creek	44N	03E	13	SESW	
48	Unnamed Pond	Little Daveggio Creek	44N	03E	15		
49	Unnamed Pond	Daveggio Creek	44N	04E	18		

## 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		

