

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. 91-07986A

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 Flemming Creek-St Joe River subwatershed (HUC12 170103040601).

QUANTITY: 1.000 CFS
14.20 AFY

The quantity under this water right is limited to up to 14.20 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. 91-07986A, 91-07986B, 91-07986C, 91-07986D, 91-07986E, 91-07986F, 91-07986G and 91-08015 are limited to a total combined annual diversion volume of 14.20 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 14.20 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 Flemming Creek-St Joe River subwatershed (HUC12 170103040601), Lower Marble Creek subwatershed (HUC12 170103040505), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Lower Slate Creek subwatershed (HUC12 170103040402), Upper Slate Creek subwatershed (HUC12 170103040401), Lower North Fork St Joe River subwatershed (HUC12 170103040203), Siwash Creek-St Joe River subwatershed (HUC12 170103040308), Fishhook Creek subwatershed (HUC12 170103040307) and Boulder Creek subwatershed (HUC12 170103040504).

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	Saint Joe River	Coeur d'Alene Lake	45N	04E	11	SESE	
003	Saint Joe River	Coeur d'Alene Lake	45N	04E	11	SESE	L 1
004	Unnamed Stream	Saint Joe River	45N	04E	12	NENE	
005	Unnamed Stream	Saint Joe River	45N	04E	12	NENE	
006	Unnamed Stream	Saint Joe River	45N	04E	12	NESE	
007	Hamilton Creek	Saint Joe River	45N	04E	12	NESW	
008	Rock Creek	Saint Joe River	45N	04E	12	NWNE	
009	Rock Creek	Saint Joe River	45N	04E	12	NWSE	
010	Hamilton Creek	Saint Joe River	45N	04E	12	NWSW	
011	Unnamed Stream	Hamilton Creek	45N	04E	12	NWSW	
012	Unnamed Stream	Saint Joe River	45N	04E	12	SENE	
013	Unnamed Stream	Saint Joe River	45N	04E	12	SENE	
014	Unnamed Stream	Saint Joe River	45N	04E	12	SENE	
015	Unnamed Stream	Saint Joe River	45N	04E	12	SENE	
016	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SESE	
017	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SESE	L 1
018	Unnamed Stream	Saint Joe River	45N	04E	12	SESE	L 1
019	Hamilton Creek	Saint Joe River	45N	04E	12	SESW	L 3
020	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SESW	
021	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SESW	L 3
022	Rock Creek	Saint Joe River	45N	04E	12	SWNE	
023	Hamilton Creek	Saint Joe River	45N	04E	12	SWNW	
024	Unnamed Stream	Hamilton Creek	45N	04E	12	SWNW	
025	Flemming Creek	Saint Joe River	45N	04E	12	SWSE	
026	Flemming Creek	Saint Joe River	45N	04E	12	SWSE	L 7
027	Rock Creek	Saint Joe River	45N	04E	12	SWSE	L 2

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
028	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SWSE	
029	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SWSE	L 2
030	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SWSW	
031	Saint Joe River	Coeur d'Alene Lake	45N	04E	12	SWSW	L 4
032	Flemming Creek	Saint Joe River	45N	04E	13		
033	Unnamed Stream	Birthday Creek	45N	04E	23		
034	Unnamed Stream	Flemming Creek	45N	04E	23		
035	Flemming Creek	Saint Joe River	45N	04E	24		
036	Unnamed Stream	Birthday Creek	45N	04E	24		
037	Unnamed Stream	Flemming Creek	45N	04E	24		
038	Unnamed Stream	Flemming Creek	45N	04E	24		
039	Unnamed Stream	Flemming Creek	45N	04E	24		
040	Unnamed Stream	Flemming Creek	45N	04E	24		
041	Unnamed Stream	Flemming Creek	45N	04E	25		
042	Unnamed Stream	Flemming Creek	45N	04E	26		
043	Storm Creek	Saint Joe River	45N	05E	06		
044	Unnamed Stream	Rock Creek	45N	05E	06		
045	Unnamed Stream	Saint Joe River	45N	05E	06		
046	Unnamed Stream	Storm Creek	45N	05E	06		
047	Unnamed Stream	Storm Creek	45N	05E	06		
048	Unnamed Stream	Saint Joe River	45N	05E	08		
049	Unnamed Stream	Saint Joe River	45N	05E	08		
050	Unnamed Stream	Saint Joe River	45N	05E	08		
051	Unnamed Stream	Saint Joe River	45N	05E	08		
052	Unnamed Stream	Saint Joe River	45N	05E	08		
053	Saint Joe River	Coeur d'Alene Lake	45N	05E	18		

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	Flemming Creek	45N	05E	18		
055	Unnamed Stream	Saint Joe River	45N	05E	18		
056	Flemming Creek	Saint Joe River	45N	05E	30		
057	Unnamed Stream	Flemming Creek	45N	05E	30		
058	Unnamed Stream	Flemming Creek	45N	05E	30		
059	Unnamed Stream	Flemming Creek	45N	05E	30		
060	Unnamed Stream	Flemming Creek	45N	05E	30		
061	Unnamed Stream	Flemming Creek	45N	05E	30		
062	Rock Creek	Saint Joe River	46N	04E	36		
063	Unnamed Stream	Rock Creek	46N	04E	36		
064	Unnamed Stream	Rock Creek	46N	04E	36		
065	Unnamed Stream	Rock Creek	46N	04E	36		
066	Unnamed Stream	Storm Creek	46N	05E	20		
067	Rock Creek	Saint Joe River	46N	05E	30		
068	Storm Creek	Saint Joe River	46N	05E	30		
069	Unnamed Stream	Storm Creek	46N	05E	30		
070	Unnamed Stream	Storm Creek	46N	05E	30		
071	Storm Creek	Saint Joe River	46N	05E	32		
072	Unnamed Stream	Storm Creek	46N	05E	32		
073	Unnamed Stream	Storm Creek	46N	05E	32		
074	Unnamed Stream	Storm Creek	46N	05E	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		

