

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. 91-07987I

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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 Big Creek subwatershed (HUC12 170103040602).

QUANTITY: 1.000 CFS  
52.30 AFY

The quantity under this water right is limited to up to 52.30 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. 91-07987A, 91-07987B, 91-07987C, 91-07987D, 91-07987E, 91-07987F, 91-07987G, 91-07987H, 91-07987I, 91-07987J, 91-07987K, 91-07987L, 91-07987M, 91-07987N, 91-07987O, 91-07987P, 91-07987Q, 91-07987R, 91-07987S, 91-07987T and 91-08008 are limited to a total combined annual diversion volume of 52.300 acre feet.

PRIORITY DATE: 08/01/1933

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 52.30 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 the Big Creek subwatershed (HUC12 170103040602), Trout Creek subwatershed (HUC12 170103040606), Hugus Creek-St Joe River subwatershed (HUC12 170103040605), Black Prince Creek-St Joe River subwatershed (HUC12 170103040603), Upper Slate Creek subwatershed (HUC12 170103040401), Big Creek subwatershed (HUC12 170103020302), East Fork Pine Creek subwatershed (HUC12 170103020201) and West Fork Pine Creek-Pine Creek subwatershed (HUC12 170103020202).

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
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
002	Unnamed Stream	West Fork Big Creek	46N	02E	01	NENE	L 1
003	Unnamed Stream	West Fork Big Creek	46N	02E	01	NENE	L 1
004	Unnamed Stream	West Fork Big Creek	46N	02E	01	NENE	L 1
005	Unnamed Stream	Big Creek	46N	02E	01	NESE	
006	Unnamed Stream	Big Creek	46N	02E	01	NESE	
007	Unnamed Stream	West Fork Big Creek	46N	02E	01	NWNE	L 2
008	Unnamed Stream	West Fork Big Creek	46N	02E	01	NWNE	L 2
009	Unnamed Stream	Big Creek	46N	02E	01	SENE	
010	Pierce Creek	Big Creek	46N	02E	01	SESW	
011	Unnamed Stream	Pierce Creek	46N	02E	01	SESW	
012	Unnamed Stream	West Fork Big Creek	46N	02E	01	SWNE	
013	Pierce Creek	Big Creek	46N	02E	01	SWSW	
014	Unnamed Stream	Pierce Creek	46N	02E	01	SWSW	
015	Unnamed Stream	Pierce Creek	46N	02E	01	SWSW	
016	Pierce Creek	Big Creek	46N	02E	02	NWSE	
017	Unnamed Stream	Pierce Creek	46N	02E	02	NWSE	
018	Pierce Creek	Big Creek	46N	02E	02	SESE	
019	Unnamed Stream	Pierce Creek	46N	02E	02	SESE	
020	Unnamed Stream	Pierce Creek	46N	02E	02	SESE	
021	Unnamed Stream	Pierce Creek	46N	02E	02	SESW	
022	Unnamed Stream	Pierce Creek	46N	02E	02	SWSE	
023	Unnamed Stream	Pierce Creek	46N	02E	02	SWSE	
024	Unnamed Stream	Pierce Creek	46N	02E	11	SENE	
025	Pierce Creek	Big Creek	46N	02E	12	NENW	
026	Unnamed Stream	Pierce Creek	46N	02E	12	NESW	
027	Unnamed Stream	Pierce Creek	46N	02E	12	NESW	

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	Pierce Creek	46N	02E	12	NESW	
029	Pierce Creek	Big Creek	46N	02E	12	NWNE	
030	Unnamed Stream	Pierce Creek	46N	02E	12	NWNW	
031	Unnamed Stream	Pierce Creek	46N	02E	12	NWSE	
032	Unnamed Stream	Pierce Creek	46N	02E	12	NWSW	
033	Unnamed Stream	Pierce Creek	46N	02E	12	NWSW	
034	Unnamed Stream	Pierce Creek	46N	02E	12	SENW	
035	Unnamed Stream	Pierce Creek	46N	02E	12	SESW	
036	Unnamed Stream	Pierce Creek	46N	02E	12	SWNE	
037	Unnamed Stream	Pierce Creek	46N	02E	12	SWNE	
038	Unnamed Stream	Pierce Creek	46N	02E	12	SWNE	
039	Unnamed Stream	Pierce Creek	46N	02E	12	SWSE	
040	Unnamed Stream	Pierce Creek	46N	02E	12	SWSW	
041	Flag Creek	Big Creek	46N	02E	13	NESE	
042	Unnamed Stream	Flag Creek	46N	02E	13	NESE	
043	Unnamed Stream	Flag Creek	46N	02E	13	NESE	
044	Flag Creek	Big Creek	46N	02E	13	NWSE	
045	Unnamed Stream	Flag Creek	46N	02E	13	NWSE	
046	Unnamed Stream	Flag Creek	46N	02E	13	NWSE	
047	Unnamed Stream	Flag Creek	46N	02E	13	SESE	

## 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		

