

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. 92-11072A

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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 Charlie Creek subwatershed (HUC12 170103040901).

QUANTITY: 1.000 CFS  
21.10 AFY

The quantity under this water right is limited to up to 21.10 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. 92-11067A thru 92-11075 and 92-11080A thru 92-11081D.

See Attachment 2.

Right nos. 92-11072A, 92-11072B, 92-11072C, 92-11072D, 92-11072E, 92-11072F, 92-11072G, 92-11072H, 92-11072I, 92-11072J, 92-11072K and 92-11072L are limited to a total combined annual diversion volume of 21.10 acre feet.

PRIORITY DATE: 03/02/1907

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 21.10 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 Charlie Creek subwatershed (HUC12 170103040901), Upper Santa Creek subwatershed (HUC12 170103040902), Lower Santa Creek subwatershed (HUC12 170103040903), Crystal Creek-St Maries River subwatershed (HUC12 170103040805), Carpenter Creek subwatershed (HUC12 170103040803), Meadow Creek subwatershed (HUC12 170603070101), Big Sand Creek-Palouse River subwatershed (HUC12 170601080102) and Headwaters Palouse River subwatershed (HUC12 170601080101).

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	Elip Creek	Eena Creek	43N	01W	06		
003	Unnamed Stream	Eena Creek	43N	01W	17		
004	Unnamed Stream	Eena Creek	43N	01W	17		
005	Unnamed Stream	Eena Creek	43N	01W	17		
006	Unnamed Stream	Eena Creek	43N	01W	17		
007	Unnamed Stream	Elip Creek	43N	01W	18	NWNW	L 1
008	Unnamed Stream	Elip Creek	43N	01W	18	NWNW	L 2
009	Eena Creek	East Fork Charlie Creek	43N	01W	18	NWSW	L 5
010	Eena Creek	East Fork Charlie Creek	43N	01W	18	NWSW	L 6
011	Katsuck Creek	Eena Creek	43N	01W	18	NWSW	L 5
012	Katsuck Creek	Eena Creek	43N	01W	18	NWSW	L 6
013	Kimta Creek	Eena Creek	43N	01W	18	NWSW	L 5
014	Unnamed Stream	Kimta Creek	43N	01W	18	NWSW	L 5
015	Unnamed Stream	Eena Creek	43N	01W	18	SESE	
016	Unnamed Stream	Eena Creek	43N	01W	18	SESE	
017	Unnamed Stream	Eena Creek	43N	01W	18	SESE	
018	Eena Creek	East Fork Charlie Creek	43N	01W	18	SESW	
019	Katsuck Creek	Eena Creek	43N	01W	18	SWNW	L 4
020	Unnamed Stream	Elip Creek	43N	01W	18	SWNW	L 3
021	Eena Creek	East Fork Charlie Creek	43N	01W	18	SWSW	L 8
022	Unnamed Stream	Eena Creek	43N	01W	18	SWSW	L 7
023	Corto Creek	East Fork Charlie Creek	43N	01W	19		
024	East Fork Charlie Creek	Charlie Creek	43N	01W	19		
025	Eena Creek	East Fork Charlie Creek	43N	01W	19		
026	Lemoosh Creek	East Fork Charlie Creek	43N	01W	19		
027	Melakwa Creek	East Fork Charlie Creek	43N	01W	19		
028	Scurry Creek	East Fork Charlie Creek	43N	01W	19		
029	Unnamed Stream	East Fork Charlie Creek	43N	01W	19		
030	Unnamed Stream	East Fork Charlie Creek	43N	01W	19		
031	Unnamed Stream	Eena Creek	43N	01W	19		
032	Unnamed Stream	Eena Creek	43N	01W	19		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
033	Unnamed Stream	Lemoosh Creek	43N	01W	19		
034	Eena Creek	East Fork Charlie Creek	43N	01W	20		
035	Lemoosh Creek	East Fork Charlie Creek	43N	01W	20		
036	Unnamed Stream	East Fork Charlie Creek	43N	01W	20		
037	Unnamed Stream	Eena Creek	43N	01W	20		
038	Unnamed Stream	Eena Creek	43N	01W	20		
039	Unnamed Stream	Lemoosh Creek	43N	01W	20		
040	Unnamed Stream	Lemoosh Creek	43N	01W	20		
041	East Fork Charlie Creek	Charlie Creek	43N	01W	29		
042	Unnamed Stream	East Fork Charlie Creek	43N	01W	29		
043	Unnamed Stream	East Fork Charlie Creek	43N	01W	29		
044	Unnamed Stream	Lemoosh Creek	43N	01W	29		
045	Corto Creek	East Fork Charlie Creek	43N	01W	30		
046	East Fork Charlie Creek	Charlie Creek	43N	01W	30		
047	Melakwa Creek	East Fork Charlie Creek	43N	01W	30		
048	Scurry Creek	East Fork Charlie Creek	43N	01W	30		
049	Unnamed Stream	Lemoosh Creek	43N	01W	30		
050	Unnamed Stream	East Fork Charlie Creek	43N	01W	31		
051	East Fork Charlie Creek	Charlie Creek	43N	01W	32		
052	Unnamed Stream	East Fork Charlie Creek	43N	01W	32		
053	Ells Creek	Charlie Creek	43N	02W	02	NENE	L 1
054	Ells Creek	Charlie Creek	43N	02W	02	NWNE	L 2
055	Ells Creek	Charlie Creek	43N	02W	02	SWNE	
056	Moolock Creek	East Fork Charlie Creek	43N	02W	12	NENW	
057	Elip Creek	Eena Creek	43N	02W	12	NESE	
058	Unnamed Stream	Moolock Creek	43N	02W	12	NESE	
059	Brown Creek	East Fork Charlie Creek	43N	02W	12	NWNW	
060	Moolock Creek	East Fork Charlie Creek	43N	02W	12	NWNW	
061	Unnamed Stream	Moolock Creek	43N	02W	12	NWSE	
062	Unnamed Stream	Moolock Creek	43N	02W	12	NWSE	
063	Unnamed Stream	Moolock Creek	43N	02W	12	SENE	

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
064	Elip Creek	Eena Creek	43N	02W	12	SESE	
065	Unnamed Stream	Elip Creek	43N	02W	12	SESE	
066	Moolock Creek	East Fork Charlie Creek	43N	02W	12	SESW	
067	Unnamed Stream	Moolock Creek	43N	02W	12	SESW	
068	Unnamed Stream	Moolock Creek	43N	02W	12	SWNE	
069	Unnamed Stream	Moolock Creek	43N	02W	12	SWSE	
070	Unnamed Stream	Lacy Creek	43N	02W	14	SESE	
071	Fagan Creek	East Fork Charlie Creek	43N	02W	14	SWSW	
072	Preston Creek	Charlie Creek	43N	02W	22	NESE	
073	Preston Creek	Charlie Creek	43N	02W	22	NWNE	
074	Preston Creek	Charlie Creek	43N	02W	22	SENE	
075	Unnamed Stream	Preston Creek	43N	02W	22	SESE	
076	Preston Creek	Charlie Creek	43N	02W	22	SWNE	
077	Unnamed Stream	Charlie Creek	43N	02W	22	SWSE	
078	Unnamed Stream	Lacy Creek	43N	02W	23	SENE	
079	Fagan Creek	East Fork Charlie Creek	43N	02W	23	SENE	
080	Fagan Creek	East Fork Charlie Creek	43N	02W	23	SWNE	
081	East Fork Charlie Creek	Charlie Creek	43N	02W	24		
082	Lacy Creek	East Fork Charlie Creek	43N	02W	24		
083	Unnamed Stream	East Fork Charlie Creek	43N	02W	24		
084	Unnamed Stream	East Fork Charlie Creek	43N	02W	24		
085	Unnamed Stream	Lacy Creek	43N	02W	24		
086	Unnamed Stream	Lacy Creek	43N	02W	24		
087	Unnamed Stream	Lacy Creek	43N	02W	24		
088	Wadi Creek	East Fork Charlie Creek	43N	02W	24		
089	Unnamed Stream	Lacy Creek	43N	02W	26	NENE	
090	Preston Creek	Charlie Creek	43N	02W	26	NENW	
091	Unnamed Stream	Lacy Creek	43N	02W	26	NWNE	
092	Preston Creek	Charlie Creek	43N	02W	26	NWSE	
093	Unnamed Stream	Preston Creek	43N	02W	26	NWSW	
094	Unnamed Stream	Lacy Creek	43N	02W	26	SENE	

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
095	Preston Creek	Charlie Creek	43N	02W	26	SENW	
096	Preston Creek	Charlie Creek	43N	02W	26	SWNE	
097	Unnamed Stream	Preston Creek	43N	02W	26	SWNW	
098	Preston Creek	Charlie Creek	43N	02W	26	SWSE	
099	Unnamed Stream	Preston Creek	43N	02W	27	SWSE	

Attachment 2

92-11067	A	92-11072	E
92-11067	B	92-11072	F
92-11067	C	92-11072	G
92-11067	D	92-11072	H
92-11067	E	92-11072	I
92-11067	F	92-11072	J
92-11067	G	92-11072	K
92-11067	H	92-11072	L
92-11067	I	92-11073	A
92-11067	J	92-11073	B
92-11067	K	92-11073	C
92-11067	L	92-11073	D
92-11067	M	92-11073	E
92-11067	N	92-11074	
92-11067	O	92-11075	
92-11067	P	92-11080	A
92-11068	A	92-11080	B
92-11068	B	92-11080	C
92-11068	C	92-11080	D
92-11068	D	92-11080	E
92-11068	E	92-11080	F
92-11068	F	92-11080	G
92-11068	G	92-11080	H
92-11068	H	92-11080	I
92-11068	I	92-11080	J
92-11068	J	92-11081	A
92-11068	K	92-11081	B
92-11068	L	92-11081	C
92-11068	M	92-11081	D
92-11068	N		
92-11068	O		
92-11069	A		
92-11069	B		
92-11069	C		
92-11069	D		
92-11069	E		
92-11069	F		
92-11069	G		
92-11070	A		
92-11070	B		
92-11071	A		
92-11071	B		
92-11071	C		
92-11071	D		
92-11071	E		
92-11071	F		
92-11072	A		
92-11072	B		
92-11072	C		
92-11072	D		

