

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. 92-11080A

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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 Middle Fork-St Maries River subwatershed (HUC12 170103040701).

QUANTITY: 1.000 CFS  
17.60 AFY

The quantity under this water right is limited to up to 17.60 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. 92-11080A, 92-11080B, 92-11080C, 92-11080D, 92-11080E, 92-11080F, 92-11080G, 92-11080H, 92-11080I and 92-11080J are limited to a total combined annual diversion volume of 17.60 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 17.60 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 Middle Fork-St Maries River subwatershed (HUC12 170103040701), Merry Creek-Middle Fork St Maries River subwatershed (HUC12 170103040702), West Fork St Maries River subwatershed (HUC12 170103040703), Middle Marble Creek subwatershed (HUC12 170103040503), Upper Marble Creek subwatershed (HUC12 170103040501), Grover Creek subwatershed (HUC12 170603080201), Stony Creek subwatershed (HUC12 170603080202), Upper Elk Creek subwatershed (HUC12 170603080701) and East Fork Potlatch River subwatershed (HUC12 170603060801).

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	Gold Center Creek	42N	03E	03		
003	Unnamed Stream	Gold Center Creek	42N	03E	03		
004	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	04		
005	Unnamed Stream	Gold Center Creek	42N	03E	04		
006	Unnamed Stream	Gold Center Creek	42N	03E	04		
007	Unnamed Stream	Windy Creek	42N	03E	04		
008	Unnamed Stream	Windy Creek	42N	03E	04		
009	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	05	NENE	L 1
010	Unnamed Stream	Gold Center Creek	42N	03E	05	NENE	L 1
011	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	05	NENW	L 3
012	Unnamed Stream	Windy Creek	42N	03E	05	NESE	
013	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	05	NWNE	L 2
014	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	05	NWNW	L 4
015	Placer Creek	Gold Center Creek	42N	03E	05	NWNW	L 4
016	Unnamed Stream	Windy Creek	42N	03E	05	SESE	
017	Unnamed Stream	Gold Center Creek	42N	03E	05	SWNW	
018	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	06	NENE	L 1
019	Placer Creek	Gold Center Creek	42N	03E	06	NENE	L 1
020	Unnamed Stream	Gold Center Creek	42N	03E	06	NENE	L 1
021	Windy Creek	Gold Center Creek	42N	03E	06	NESE	
022	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	06	NESW	
023	Unnamed Stream	Gold Center Creek	42N	03E	06	NESW	
024	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	06	NWNE	L 2
025	Unnamed Stream	Gold Center Creek	42N	03E	06	NWNE	L 2
026	Gramp Creek	Gold Center Creek	42N	03E	06	NWNW	L 4
027	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	06	NWSE	
028	Windy Creek	Gold Center Creek	42N	03E	06	NWSE	

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
029	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	06	NWSW	L 6
030	Unnamed Stream	Gold Center Creek	42N	03E	06	SENE	
031	Unnamed Stream	Gold Center Creek	42N	03E	06	SESW	
032	Unnamed Stream	Gold Center Creek	42N	03E	06	SESW	
033	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	06	SWNE	
034	Unnamed Stream	Gold Center Creek	42N	03E	06	SWNE	
035	Windy Creek	Gold Center Creek	42N	03E	06	SWNE	
036	Unnamed Stream	Gold Center Creek	42N	03E	06	SWNW	L 5
037	Gold Center Creek	Middle Fork Saint Maries River	42N	03E	06	SWSW	L 7
038	Unnamed Stream	Gold Center Creek	42N	03E	06	SWSW	L 7
039	Unnamed Stream	Gold Center Creek	42N	03E	06	SWSW	L 7
040	Unnamed Stream	Gold Center Creek	42N	03E	06	SWSW	L 7
041	Unnamed Stream	Gold Center Creek	42N	03E	06	SWSW	L 7
042	Unnamed Stream	Gold Center Creek	42N	03E	07		
043	Unnamed Stream	Gold Center Creek	42N	03E	07		
044	Unnamed Stream	Gold Center Creek	42N	03E	07		
045	Unnamed Stream	Gold Center Creek	42N	03E	07		
046	Unnamed Stream	Gold Center Creek	42N	03E	07		
047	Unnamed Stream	White Rock Creek	42N	03E	07		
048	Unnamed Stream	Windy Creek	42N	03E	08		
049	Unnamed Stream	Windy Creek	42N	03E	08		
050	Unnamed Stream	Windy Creek	42N	03E	08		
051	Unnamed Stream	Windy Creek	42N	03E	08		
052	Unnamed Stream	Windy Creek	42N	03E	08		
053	Unnamed Stream	Windy Creek	42N	03E	08		
054	Unnamed Stream	Windy Creek	42N	03E	08		
055	Unnamed Stream	Windy Creek	42N	03E	08		

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
056	Unnamed Stream	Windy Creek	42N	03E	08		
057	Windy Creek	Gold Center Creek	42N	03E	08		
058	Unnamed Stream	Windy Creek	42N	03E	09		
059	Unnamed Stream	Windy Creek	42N	03E	09		
060	Windy Creek	Gold Center Creek	42N	03E	09		
061	Unnamed Stream	White Rock Creek	42N	03E	17	SWNW	
062	Unnamed Stream	White Rock Creek	42N	03E	18	NENE	
063	Unnamed Stream	White Rock Creek	42N	03E	18	NENW	
064	White Rock Creek	Middle Fork Saint Maries River	42N	03E	18	NESW	
065	Unnamed Stream	White Rock Creek	42N	03E	18	NWNW	L 1
066	White Rock Creek	Middle Fork Saint Maries River	42N	03E	18	NWSE	
067	White Rock Creek	Middle Fork Saint Maries River	42N	03E	18	NWSW	L 3
068	White Rock Creek	Middle Fork Saint Maries River	42N	03E	18	SWNW	L 2
069	Unnamed Stream	Middle Fork Saint Maries River	42N	03E	19		
070	Unnamed Stream	Unnamed Stream	42N	03E	19		
071	White Rock Creek	Middle Fork Saint Maries River	42N	03E	20		
072	Graves Creek	Middle Fork Saint Maries River	42N	03E	30		
073	Unnamed Stream	Graves Creek	42N	03E	30		
074	Unnamed Stream	Graves Creek	42N	03E	30		
075	Squaw Spring	Windy Creek	42N	03E	09	NENE	
076	White Rock Springs	Sinks	42N	03E	17	NWNE	

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		

