

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. 92-11080H

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: 12/02/1992

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.

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	Gramp Creek	43N	03E	19	NESE	
3	Gramp Creek	Gold Center Creek	43N	03E	19	SESE	
4	Unnamed Stream	Gramp Creek	43N	03E	19	SESE	
5	Gramp Creek	Gold Center Creek	43N	03E	20		
6	Unnamed Stream	Gramp Creek	43N	03E	20		
7	Unnamed Stream	Placer Creek	43N	03E	21		
8	Placer Creek	Gold Center Creek	43N	03E	27		
9	Unnamed Stream	Gold Center Creek	43N	03E	27		
10	Unnamed Stream	Gold Center Creek	43N	03E	27		
11	Unnamed Stream	Placer Creek	43N	03E	28	NENW	
12	Unnamed Stream	Placer Creek	43N	03E	28	NENW	
13	Placer Creek	Gold Center Creek	43N	03E	28	NESE	
14	Unnamed Stream	Placer Creek	43N	03E	28	NWNE	
15	Placer Creek	Gold Center Creek	43N	03E	28	NWSE	
16	Placer Creek	Gold Center Creek	43N	03E	28	SESW	
17	Placer Creek	Gold Center Creek	43N	03E	28	SWSE	
18	Placer Creek	Gold Center Creek	43N	03E	28	SWSW	
19	Unnamed Stream	Placer Creek	43N	03E	28	SWSW	
20	Placer Creek	Gold Center Creek	43N	03E	29	SESE	
21	Unnamed Stream	Placer Creek	43N	03E	29	SESW	
22	Unnamed Stream	Placer Creek	43N	03E	29	SWSE	
23	Unnamed Stream	Gramp Creek	43N	03E	30	SESE	
24	Unnamed Stream	Gramp Creek	43N	03E	30	SWSE	
25	Unnamed Stream	Gold Center Creek	43N	03E	31	NESE	
26	Unnamed Stream	Gramp Creek	43N	03E	31	NWNE	
27	Unnamed Stream	Gold Center Creek	43N	03E	31	SENE	
28	Unnamed Stream	Gold Center Creek	43N	03E	31	SESE	
29	Unnamed Stream	Gramp Creek	43N	03E	31	SESW	
30	Unnamed Stream	Gramp Creek	43N	03E	31	SWNE	
31	Unnamed Stream	Placer Creek	43N	03E	32	NENW	
32	Placer Creek	Gold Center Creek	43N	03E	32	NESW	
33	Placer Creek	Gold Center Creek	43N	03E	32	NWNE	
34	Unnamed Stream	Placer Creek	43N	03E	32	NWNE	
35	Unnamed Stream	Placer Creek	43N	03E	32	NWNE	
36	Unnamed Stream	Gold Center Creek	43N	03E	32	NWNW	
37	Unnamed Stream	Gold Center Creek	43N	03E	32	NWSW	
38	Placer Creek	Gold Center Creek	43N	03E	32	SESW	
39	Placer Creek	Gold Center Creek	43N	03E	32	SWNE	
40	Unnamed Stream	Placer Creek	43N	03E	32	SWNE	
41	Unnamed Stream	Gold Center Creek	43N	03E	32	SWNW	
42	Placer Creek	Gold Center Creek	43N	03E	32	SWSW	
43	Unnamed Stream	Gold Center Creek	43N	03E	33	NENE	
44	Unnamed Stream	Gold Center Creek	43N	03E	33	NWSE	
45	Gold Center Creek	Middle Fork Saint Maries River	43N	03E	33	SESW	
46	Unnamed Stream	Gold Center Creek	43N	03E	33	SESW	
47	Unnamed Stream	Gold Center Creek	43N	03E	33	SESW	
48	Unnamed Stream	Gold Center Creek	43N	03E	33	SESW	
49	Unnamed Stream	Gold Center Creek	43N	03E	33	SWNE	
50	Gold Center Creek	Middle Fork Saint Maries River	43N	03E	33	SWSE	
51	Unnamed Stream	Gold Center Creek	43N	03E	33	SWSE	
52	Unnamed Stream	Gold Center Creek	43N	03E	34	NENW	
53	Unnamed Stream	Gold Center Creek	43N	03E	34	NWNW	
54	Unnamed Stream	Gold Center Creek	43N	03E	34	SENW	
55	Unnamed Spring	Placer Creek	43N	03E	27	SENW	

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		

