

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)
) FOR FEDERAL RESERVED
 Case No. 49576)
) WATER RIGHT NO. 91-07987N

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: 09/30/1976

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.



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	Donaldson Creek	46N	03E	03	NESE	
003	Unnamed Stream	Donaldson Creek	46N	03E	03	NESE	
004	Unnamed Stream	Donaldson Creek	46N	03E	03	NESE	
005	Donaldson Creek	East Fork Big Creek	46N	03E	03	NESW	
006	Unnamed Stream	Donaldson Creek	46N	03E	03	NESW	
007	Unnamed Stream	Donaldson Creek	46N	03E	03	NESW	
008	Unnamed Stream	Donaldson Creek	46N	03E	03	NWSE	
009	Unnamed Stream	Donaldson Creek	46N	03E	03	NWSE	
010	Unnamed Stream	Donaldson Creek	46N	03E	03	NWSE	
011	Donaldson Creek	East Fork Big Creek	46N	03E	03	NWSW	
012	Unnamed Stream	Donaldson Creek	46N	03E	03	NWSW	
013	Unnamed Stream	Hall Creek	46N	03E	03	NWSW	
014	Unnamed Stream	Donaldson Creek	46N	03E	03	SENE	
015	Donaldson Creek	East Fork Big Creek	46N	03E	03	SESW	
016	Unnamed Stream	Donaldson Creek	46N	03E	03	SESW	
017	Unnamed Stream	Donaldson Creek	46N	03E	03	SWNE	
018	Miles Creek	Middle Fork Big Creek	46N	03E	04	NWNE	L 2
019	Unnamed Stream	Miles Creek	46N	03E	04	NWNE	L 2
020	Unnamed Stream	Miles Creek	46N	03E	04	NWNE	L 2
021	Unnamed Stream	Miles Creek	46N	03E	04	NWNE	L 2
022	Unnamed Stream	Miles Creek	46N	03E	04	NWNE	L 2
023	Unnamed Stream	Miles Creek	46N	03E	04	SWNE	
024	Middle Fork Big Creek	Big Creek	46N	03E	05	NWNW	L 4
025	Unnamed Stream	Middle Fork Big Creek	46N	03E	05	NWNW	L 4
026	Unnamed Stream	Middle Fork Big Creek	46N	03E	05	SENW	
027	Unnamed Stream	Middle Fork Big Creek	46N	03E	05	SWNE	
028	Unnamed Stream	Middle Fork Big Creek	46N	03E	05	SWNW	
029	Cameron Creek	Big Creek	46N	03E	08	NENE	
030	Unnamed Stream	Cameron Creek	46N	03E	08	NENE	

Attachment 1

	A	B	C	D	E	F	G
	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
001							
031	Cameron Creek	Big Creek	46N	03E	08	NWNE	
032	Cabin Creek	Big Creek	46N	03E	08	SESW	
033	Unnamed Stream	Cameron Creek	46N	03E	08	SESW	
034	Cabin Creek	Big Creek	46N	03E	08	SWSE	
035	Cabin Creek	Big Creek	46N	03E	08	SWSW	
036	Cameron Creek	Big Creek	46N	03E	08	SWSW	
037	Unnamed Stream	Cameron Creek	46N	03E	08	SWSW	
038	Hall Creek	East Fork Big Creek	46N	03E	09	NWNE	
039	Unnamed Stream	Hall Creek	46N	03E	09	NWNE	
040	Unnamed Stream	Hall Creek	46N	03E	09	NWSE	
041	Hall Creek	East Fork Big Creek	46N	03E	09	SWNE	
042	Unnamed Stream	Hall Creek	46N	03E	09	SWNE	
043	Donaldson Creek	East Fork Big Creek	46N	03E	10	NENW	
044	Donaldson Creek	East Fork Big Creek	46N	03E	10	SENW	
045	Middle Fork Big Creek	Big Creek	47N	03E	20	NENW	
046	Middle Fork Big Creek	Big Creek	47N	03E	20	SENE	
047	Unnamed Stream	Middle Fork Big Creek	47N	03E	20	SENE	
048	Unnamed Stream	Middle Fork Big Creek	47N	03E	20	SENE	
049	Middle Fork Big Creek	Big Creek	47N	03E	21	NWSW	
050	Unnamed Stream	Middle Fork Big Creek	47N	03E	21	NWSW	
051	Unnamed Stream	Middle Fork Big Creek	47N	03E	21	NWSW	
052	Unnamed Stream	Middle Fork Big Creek	47N	03E	21	SENW	
053	Unnamed Stream	Middle Fork Big Creek	47N	03E	21	SENW	
054	Unnamed Stream	Middle Fork Big Creek	47N	03E	21	SENW	
055	McPhee Creek	Middle Fork Big Creek	47N	03E	22	NESW	
056	McPhee Creek	Middle Fork Big Creek	47N	03E	22	NWSW	
057	Unnamed Stream	McPhee Creek	47N	03E	22	NWSW	
058	McPhee Creek	Middle Fork Big Creek	47N	03E	22	SENW	
059	Unnamed Stream	McPhee Creek	47N	03E	22	SENW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Unnamed Stream	Early Creek	47N	03E	22	SWNE	
061	Early Creek	Ames Creek	47N	03E	23	SWSW	
062	Unnamed Stream	Early Creek	47N	03E	23	SWSW	
063	Unnamed Stream	Early Creek	47N	03E	26	NENW	
064	Unnamed Stream	Early Creek	47N	03E	26	NWNW	
065	Early Creek	Ames Creek	47N	03E	27	NENW	
066	Ames Creek	Middle Fork Big Creek	47N	03E	27	NESW	
067	Early Creek	Ames Creek	47N	03E	27	NWNE	
068	Ames Creek	Middle Fork Big Creek	47N	03E	27	NWSW	
069	Early Creek	Ames Creek	47N	03E	27	NWSW	
070	Early Creek	Ames Creek	47N	03E	27	SENW	
071	Early Creek	Ames Creek	47N	03E	27	SWNW	
072	Unnamed Stream	Early Creek	47N	03E	27	SWNW	
073	Ames Creek	Middle Fork Big Creek	47N	03E	27	SWSW	
074	McPhee Creek	Middle Fork Big Creek	47N	03E	28	NENW	
075	Middle Fork Big Creek	Big Creek	47N	03E	28	NENW	
076	Middle Fork Big Creek	Middle Fork Big Creek	47N	03E	28	NENW	
077	Unnamed Stream	Middle Fork Big Creek	47N	03E	28	NENW	
078	Unnamed Stream	Middle Fork Big Creek	47N	03E	28	NENW	
079	Unnamed Stream	Middle Fork Big Creek	47N	03E	28	NENW	
080	Ames Creek	Middle Fork Big Creek	47N	03E	28	NESW	
081	Middle Fork Big Creek	Big Creek	47N	03E	28	NESW	
082	Ames Creek	Middle Fork Big Creek	47N	03E	28	NWSE	
083	Dent Creek	Ames Creek	47N	03E	28	NWSE	
084	Unnamed Stream	Ames Creek	47N	03E	28	NWSE	
085	Middle Fork Big Creek	Big Creek	47N	03E	28	SENW	
086	Unnamed Stream	Middle Fork Big Creek	47N	03E	28	SENW	
087	Unnamed Stream	West Fork Big Creek	47N	03E	30	NESW	
088	Unnamed Stream	West Fork Big Creek	47N	03E	30	NWSW	L 3

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
089	Unnamed Stream	West Fork Big Creek	47N	03E	30	SESW	
090	Unnamed Stream	West Fork Big Creek	47N	03E	30	SWSW	L 4
091	Unnamed Stream	West Fork Big Creek	47N	03E	30	SWSW	L 4
092	Unnamed Stream	West Fork Big Creek	47N	03E	30	SWSW	L 4
093	West Fork Big Creek	Big Creek	47N	03E	30	SWSW	L 4
094	West Fork Big Creek	Big Creek	47N	03E	31	NESW	
095	Unnamed Pond	Middle Fork Big Creek	47N	03E	20	SENE	
096	Unnamed Pond	Ames Creek	47N	03E	27		
097	Unnamed Pond	Ames Creek	47N	03E	27		
098	Unnamed Pond	Ames Creek	47N	03E	27		
099	Unnamed Pond	Ames Creek	47N	03E	27		
100	Unnamed Pond	Ames Creek	47N	03E	27		
101	Unnamed Pond	Early Creek	47N	03E	27		
102	Unnamed Pond	Early Creek	47N	03E	27		
103	Unnamed Pond	McPhee Creek	47N	03E	28	NENW	
104	Unnamed Pond	Middle Fork Big Creek	47N	03E	28	NESW	
105	Unnamed Pond	Middle Fork Big Creek	47N	03E	28	SENW	

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		

