

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 04 2022

By _____ Clerk
 _____ Deputy Clerk

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. 91-07983D

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 Marble Creek subwatershed (HUC12 170103040503).

QUANTITY: 1.000 CFS
 23.50 AFY

The quantity under this water right is limited to up to 23.500 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. 91-07983A, 91-07983B, 91-07983C, 91-07983D, 91-07983E, 91-07983F, 91-07983G, 91-07983H, 91-07983I, 91-07983J, 91-07983K, 91-07983L and 91-07983M are limited to a total combined annual diversion volume of 23.500 acre feet.

PRIORITY DATE: 10/20/1932

POINT OF DIVERSION: See Attachment 1, Columns C through G

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u> ADMINISTRATIVE	<u>PERIOD OF USE</u> 01/01 - 12/31	<u>QUANTITY</u> 1.000 CFS 23.50 AFY
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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 Middle Marble Creek subwatershed (HUC12 170103040503), Bussel Creek subwatershed (HUC12 170103040502), Mica Creek subwatershed (HUC12 170103040604), Lower Marble Creek subwatershed (HUC12 170103040505), Upper Marble Creek subwatershed (HUC12 170103040501), Merry Creek-Middle Fork St. Maries River subwatershed (HUC12 170103040702) and Middle Fork St. Maries River subwatershed (HUC12 170103040701).

See Attachment 3.

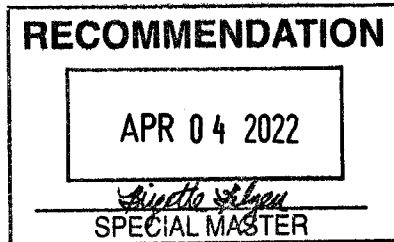
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	Cranberry Creek	43N	02E	01		
003	Unnamed Stream	Cranberry Creek	43N	02E	01		
004	Marble Creek	St. Joe River	43N	03E	03		
005	Unnamed Stream	Marble Creek	43N	03E	03		
006	Unnamed Stream	Marble Creek	43N	03E	03		
007	Hobo Creek	Marble Creek	43N	03E	04	NENW	L 3
008	Unnamed Stream	Hobo Creek	43N	03E	04	NESE	
009	Hobo Creek	Marble Creek	43N	03E	04	NESW	
010	Unnamed Stream	Hobo Creek	43N	03E	04	NESW	
011	Hobo Creek	Marble Creek	43N	03E	04	NWNW	L 4
012	Unnamed Stream	Hobo Creek	43N	03E	04	NWNW	L 4
013	Unnamed Stream	Hobo Creek	43N	03E	04	NWNW	L 4
014	Unnamed Stream	Hobo Creek	43N	03E	04	NWNW	L 4
015	Unnamed Stream	Hobo Creek	43N	03E	04	NWSE	
016	Hobo Creek	Marble Creek	43N	03E	04	NWSW	
017	Unnamed Stream	Hobo Creek	43N	03E	04	NWSW	
018	Hobo Creek	Marble Creek	43N	03E	04	SENE	
019	Unnamed Stream	Hobo Creek	43N	03E	04	SENE	
020	Hobo Creek	Marble Creek	43N	03E	04	SWNW	
021	Unnamed Stream	Hobo Creek	43N	03E	04	SWSE	
022	Hobo Creek	Marble Creek	43N	03E	04	SWSW	
023	Unnamed Stream	Hobo Creek	43N	03E	04	SWSW	
024	West Fork Hobo Creek	Hobo Creek	43N	03E	04	SWSW	
025	Unnamed Stream	Hobo Creek	43N	03E	05		
026	Unnamed Stream	Hobo Creek	43N	03E	05		
027	Unnamed Stream	Hobo Creek	43N	03E	05		
028	West Fork Hobo Creek	Hobo Creek	43N	03E	05		
029	Cranberry Creek	Marble Creek	43N	03E	06		
030	Unnamed Stream	Cranberry Creek	43N	03E	06		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
031	Unnamed Stream	Cranberry Creek	43N	03E	06		
032	Unnamed Stream	Cranberry Creek	43N	03E	06		
033	Unnamed Stream	West Fork Hobo Creek	43N	03E	07		
034	West Fork Hobo Creek	Hobo Creek	43N	03E	07		
035	Unnamed Stream	Hobo Creek	43N	03E	08		
036	Unnamed Stream	West Fork Hobo Creek	43N	03E	08		
037	Unnamed Stream	West Fork Hobo Creek	43N	03E	08		
038	West Fork Hobo Creek	Hobo Creek	43N	03E	08		
039	Hobo Creek	Marble Creek	43N	03E	09		
040	Unnamed Stream	Hobo Creek	43N	03E	09		
041	Unnamed Stream	Hobo Creek	43N	03E	09		
042	Unnamed Stream	Hobo Creek	43N	03E	09		
043	Unnamed Stream	Hobo Creek	43N	03E	09		
044	Unnamed Stream	Hobo Creek	43N	03E	17		
045	Unnamed Stream	Hobo Creek	43N	03E	17		
046	Unnamed Stream	West Fork Hobo Creek	43N	03E	17		

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		

