

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

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: 12/22/1934

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 52.30 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 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.

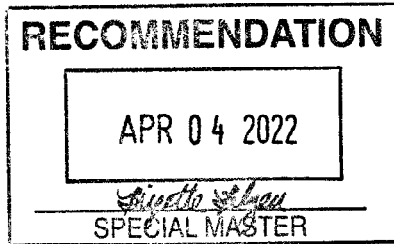
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	West Fork Big Creek	46N	02E	01	NENW	L 3
003	Unnamed Stream	West Fork Big Creek	46N	02E	01	NENW	L 3
004	Unnamed Stream	West Fork Big Creek	46N	02E	01	NWNW	L 4
005	Unnamed Stream	West Fork Big Creek	46N	02E	01	SEnw	
006	Unnamed Stream	West Fork Big Creek	46N	02E	02	NENE	L 1
007	Pierce Creek	Big Creek	46N	02E	02	NESW	
008	Unnamed Stream	West Fork Big Creek	46N	02E	02	NWNE	L 2
009	Pierce Creek	Big Creek	46N	02E	02	NWSW	
010	Unnamed Stream	Pierce Creek	46N	02E	02	NWSW	
011	Unnamed Stream	Pierce Creek	46N	02E	02	NWSW	
012	Unnamed Stream	Pierce Creek	46N	02E	02	SWNW	
013	Unnamed Stream	Pierce Creek	46N	02E	03		
014	Unnamed Stream	Pierce Creek	46N	02E	11	NENE	
015	Unnamed Stream	Pierce Creek	46N	02E	11	NENE	
016	Flag Creek	Big Creek	46N	02E	13	NESW	
017	Flag Creek	Big Creek	46N	02E	13	SEnw	
018	Unnamed Stream	Flag Creek	46N	02E	13	SEnw	
019	Unnamed Stream	Flag Creek	46N	02E	13	SESW	
020	Unnamed Stream	Flag Creek	46N	02E	13	SWNE	
021	Flag Creek	Big Creek	46N	02E	13	SWNW	
022	Unnamed Stream	West Fork Big Creek	47N	02E	22		
023	Unnamed Stream	West Fork Big Creek	47N	02E	22		
024	West Fork Big Creek	Big Creek	47N	02E	22		
025	Unnamed Stream	West Fork Big Creek	47N	02E	23		
026	Unnamed Stream	West Fork Big Creek	47N	02E	23		
027	Unnamed Stream	West Fork Big Creek	47N	02E	23		
028	Unnamed Stream	West Fork Big Creek	47N	02E	23		
029	West Fork Big Creek	Big Creek	47N	02E	23		
030	Unnamed Stream	West Fork Big Creek	47N	02E	24	NWSW	

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	West Fork Big Creek	47N	02E	24	NWSW	
032	Unnamed Stream	West Fork Big Creek	47N	02E	24	SESW	
033	Unnamed Stream	West Fork Big Creek	47N	02E	24	SESW	
034	West Fork Big Creek	Big Creek	47N	02E	24	SESW	
035	Unnamed Stream	West Fork Big Creek	47N	02E	24	SWNW	
036	Unnamed Stream	West Fork Big Creek	47N	02E	24	SWNW	
037	Unnamed Stream	West Fork Big Creek	47N	02E	24	SWSW	
038	West Fork Big Creek	Big Creek	47N	02E	24	SWSW	
039	Unnamed Stream	West Fork Big Creek	47N	02E	26	NWNW	
040	Unnamed Stream	West Fork Big Creek	47N	02E	26	NWNW	
041	Unnamed Stream	West Fork Big Creek	47N	02E	26	NWNW	
042	Unnamed Stream	West Fork Big Creek	47N	02E	26	NWSW	
043	Unnamed Stream	West Fork Big Creek	47N	02E	27	NENE	
044	Unnamed Stream	West Fork Big Creek	47N	02E	27	NESE	
045	Unnamed Stream	West Fork Big Creek	47N	02E	27	SENE	
046	Unnamed Stream	West Fork Big Creek	47N	02E	35	NESE	
047	Unnamed Stream	West Fork Big Creek	47N	02E	35	NESE	
048	Unnamed Stream	West Fork Big Creek	47N	02E	35	NWSE	
049	Unnamed Stream	West Fork Big Creek	47N	02E	35	NWSE	
050	Unnamed Stream	West Fork Big Creek	47N	02E	35	NWSE	
051	Unnamed Stream	West Fork Big Creek	47N	02E	35	NWSE	
052	Unnamed Stream	West Fork Big Creek	47N	02E	35	SENE	
053	Unnamed Stream	West Fork Big Creek	47N	02E	35	SESW	L 3
054	Unnamed Stream	West Fork Big Creek	47N	02E	35	SESW	L 3
055	Unnamed Stream	West Fork Big Creek	47N	02E	35	SESW	L 3
056	Unnamed Stream	West Fork Big Creek	47N	02E	35	SWNE	
057	Unnamed Stream	West Fork Big Creek	47N	02E	35	SWNE	
058	Unnamed Stream	West Fork Big Creek	47N	02E	35	SWSE	L 2
059	Unnamed Stream	West Fork Big Creek	47N	02E	36	NESE	

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	West Fork Big Creek	47N	02E	36	NESW	
061	Unnamed Stream	West Fork Big Creek	47N	02E	36	NESW	
062	Unnamed Stream	West Fork Big Creek	47N	02E	36	NWSE	
063	Unnamed Stream	West Fork Big Creek	47N	02E	36	NWSW	
064	Unnamed Stream	West Fork Big Creek	47N	02E	36	NWSW	
065	Unnamed Stream	West Fork Big Creek	47N	02E	36	NWSW	
066	Unnamed Stream	West Fork Big Creek	47N	02E	36	SESE	L 1
067	Unnamed Stream	West Fork Big Creek	47N	02E	36	SESE	L 1
068	Unnamed Stream	West Fork Big Creek	47N	02E	36	SESW	L 3
069	Unnamed Stream	West Fork Big Creek	47N	02E	36	SESW	L 3
070	Unnamed Stream	West Fork Big Creek	47N	02E	36	SESW	L 3
071	Unnamed Stream	West Fork Big Creek	47N	02E	36	SWSE	L 2
072	Unnamed Stream	West Fork Big Creek	47N	02E	36	SWSW	L 4

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		

Attachment 3

