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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2003 APR 2 AM 10 24

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 79-04335

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: KESSLER CREEK SPRING TRIBUTARY: KESSLER CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/01/1980

POINT OF DIVERSION: T25N R01W S36 SENW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T25N R01W S36 SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, 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 judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NWSE Sec 34 T 25N R 01W.

79-4334
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Priority Date: 05/10/1906
Diversion Pt: NESE Sec 34 T 25N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NESE Sec 34 T 25N R 01W.

79-4335
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: KESSLER CR SP
Priority Date: 05/10/1906
Diversion Pt: SENW Sec 36 T 25N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SENW Sec 36 T 25N R 01W.

79-4336
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: KESSLER SPR 2
Priority Date: 05/10/1906
Diversion Pt: SENW Sec 36 T 25N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SENW Sec 36 T 25N R 01W.

79-4337
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: CHINA RIDG SPR
Priority Date: 05/10/1906
Diversion Pt: SWNE Sec 20 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SWNE Sec 20 T 26N R 01E.

79-4338
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: HORNER SP
Priority Date: 05/10/1906
Diversion Pt: NWNW Sec 20 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NWNW Sec 20 T 26N R 01E.

79-4339
UNITED STATES OF AMERICA

Priority Date: 05/10/1906
Diversion Pt: NENW Sec 36 T 26N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NENW Sec 36 T 26N R 01W.

79-4344
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: CHRISTIE CR SP
Priority Date: 04/10/1907
Diversion Pt: SWSW Sec 04 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SWSW Sec 04 T 26N R 01E.

79-4345
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: LAST CHANCE SPR
Priority Date: 05/10/1906
Diversion Pt: SWSE Sec 07 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SWSE Sec 07 T 26N R 01E.

79-4346
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: CENTER RIDGE SP
Priority Date: 05/10/1906
Diversion Pt: SWNW Sec 09 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SWNW Sec 09 T 26N R 01E.

79-4347
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: LYON SPRING
Priority Date: 05/10/1906
Diversion Pt: NWNE Sec 20 T 27N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NWNE Sec 20 T 27N R 01E.

79-4348
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: JOE SPRING
Priority Date: 05/10/1906
Diversion Pt: NWSW Sec 29 T 27N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)

USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: BUNCHGRASS SPR
Priority Date: 05/10/1906
Diversion Pt: SESW Sec 32 T 27N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SESW Sec 32 T 27N R 01E.

79-4354
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: CANYON VIEW SPR
Priority Date: 05/10/1906
Diversion Pt: NWSE Sec 33 T 27N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NWSE Sec 33 T 27N R 01E.

79-4355
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: RHETT SPRING
Priority Date: 05/10/1906
Diversion Pt: NWSW Sec 33 T 27N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NWSW Sec 33 T 27N R 01E.

79-4356
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: POE SPRING
Priority Date: 05/10/1906
Diversion Pt: NENW Sec 01 T 27N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NENW Sec 01 T 27N R 01W.

79-4357
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: THORNBRUSH SPR
Priority Date: 05/10/1906
Diversion Pt: NESE Sec 02 T 27N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NESE Sec 02 T 27N R 01W.

79-4358
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

CFS) WILDLIFE (.01 CFS)
In: NWNW Sec 19 T 27N R 01E.

79-4363
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: LOST SPRING
Priority Date: 05/10/1906
Diversion Pt: NESW Sec 17 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NESW Sec 17 T 26N R 01E.

79-4364
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: RIDGE SPRING
Priority Date: 05/10/1906
Diversion Pt: SWNW Sec 09 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SWNW Sec 09 T 26N R 01E.

79-4365
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: BOISE SPRING
Priority Date: 05/10/1906
Diversion Pt: NESW Sec 18 T 26N R 01E
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NESW Sec 18 T 26N R 01E.

79-4366
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: CAMP HOWARD SP2
Priority Date: 05/10/1906
Diversion Pt: SENE Sec 02 T 24N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: SENE Sec 02 T 24N R 01W.

79-4367
UNITED STATES OF AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: WISDOM SPRING
Priority Date: 05/10/1906
Diversion Pt: NENW Sec 14 T 27N R 01W
Use: STOCKWATER (.01 CFS) WILDLIFE (.01 CFS)
In: NENW Sec 14 T 27N R 01W.

79-4368
UNITED STATES OF AMERICA

MICROFILMED

Priority Date: 05/10/1906
Diversion Pt: NWSE Sec 11
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NWSE Sec 11 T 27N R
01W.

79-4359
UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: SUNNYSIDE SPR
Priority Date: 05/10/1906
Diversion Pt: NENE Sec 12
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NENE Sec 12 T 27N R
01W.

79-4360
UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807
Source: MOTHORN
SPRING
Priority Date: 05/10/1906
Diversion Pt: SENW Sec 13
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: SENW Sec 13 T 27N R
01W.

79-4361
UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807
Source: PAPOOSE BSN
SPR
Priority Date: 05/10/1906
Diversion Pt: NENW Sec 02
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NENW Sec 02 T 27N R
01W.

79-4362
UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807
Source: PITTSBURG SPR
Priority Date: 05/10/1906
Diversion Pt: NWNW Sec 10
T 27N R 01E
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NWNW Sec 10 T 27N R
01E.

79-4363
UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807
Source: LOST SPRING
Priority Date: 05/10/1906

AFFIDAVIT OF PUBLICATION

Hona Donaldson..... being first duly
sworn, says he is the.....office manager.....
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for ²..... weeks,
being published ²..... times, the first publication being
on the ²⁶..... day of^{October}....., 19.....⁸³.....
and the last publication on the ²..... day of
.....^{November}....., 19.....⁸³.....; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

.....*Hona Donaldson*.....
Subscribed and sworn to before me this ²..... day
of^{November}....., 19.....⁸³.....

.....*[Signature]*....., Notary Public
for State of Idaho, resi.....; at Grangeville, Idaho.

MICROFILMED

MICROFILMED

06/03/83

UNITED STATES OF AMERICA - USDA FOREST SERVICE NORTHERN REGION
PO BOX 7669 MISSOULA, MONTANA 59807
RON RUSSELL 329-3594 OR GAIL DAHL 329-3759

RIGHT NUMBER - 79-4335
STATE BASIN NO. - 79
COUNTY - IDAHO

F.S. RECORD ID - 17060209040001417
NATIONAL FOREST - NEZPERCE
RANGER DISTRICT - 1

PRIMARY PURPOSE OF USE - STOCKWATER
SECONDARY PURPOSE OF USE - W

SOURCE - SPRING
RESERVOIR CAPACITY - 0.00 ACRE FEET

SOURCE NAME - KESSLER CR SP

USE NAME - KESSLER CR SP

TRIBUTARY TO -

POINT OF DIVERSION - SENW SEC 36 25 N 1 W

NO. OF DIVERSION POINTS - 1
NO. OF USE POINTS - 1

MEANS OF DIVERSION - HEADBOX

POINT OF USE - SENW SEC 36 25 N 1 W

ACRES IRRIGATED - 0
NO. OF LIVESTOCK - 755
TYPE OF LIVESTOCK - CATTLE
ALLOTMENT NO. - 104
IMPROVEMENT NO. - 0-3404
RIM NUMBER -
POTABLE WATER NO. -
DAM NUMBER -

PRIMARY USE RATE - .01 CFS
- 0.00 AC-FT/YR
SECONDARY USE RATE - .01 CFS
- 0.00 AC-FT/YR

TOTAL DIVERSION RATE - .01 CFS
- 0.00 AC-FT/YR

PERIOD OF USE - MAY JUN JUL AUG SEP OCT NOV
PRIORITY DATE - 19060510
BASIS FOR CLAIM - BENEFICIAL USE

NOTARIZED STATEMENT FOR THIS DOCUMENT SIGNED BY REGIONAL FORESTER,
NORTHERN REGION, ON TRANSMITTAL DOCUMENT.

VERIFIED AMS

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Roni Walsh

TO

File

DATE

SUBJECT

See file # 79-4291 for correspondence
relating to this water right number.

Roni Walsh

SIGNATURE

MICROFILM