

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. 94-09551A

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 Upper Tepee Creek subwatershed (HUC12 170103010201).

QUANTITY: 1.000 CFS
 35.80 AFY
 The quantity under this water right is limited to up to 35.80 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. 94-09547A thru 94-09582E.

See Attachment 2.
 Right nos. 94-09551A, 94-09551B, 94-09551C, 94-09551D, 94-09551E, 94-09551F, 94-09551G, 94-09551H, 94-09551I and 94-09606 are limited to a total combined annual diversion volume of 35.80 acre feet per year.

PRIORITY DATE: 11/06/1906

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
			35.80 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 Upper Tepee Creek subwatershed (HUC12 170103010201), Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602), Trail Creek subwatershed (HUC12 170103010202), Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603), Lower Tepee Creek subwatershed (HUC12 170103010204), Flat Creek-Middle Fork Coeur d'Alene River subwatershed (HUC12 170103010401), Steamboat Creek subwatershed (HUC12 170103010703) and Cougar Gulch subwatershed (HUC12 170103010704).

See Attachment 3.

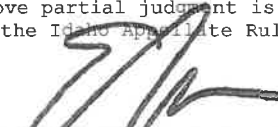
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	Big Elk Creek	Tepee Creek	51N	01E	01		
003	Little Elk Creek	Tepee Creek	51N	01E	01		
004	New Creek	Big Elk Creek	51N	01E	01		
005	Tepee Creek	North Fork Coeur d'Alene River	51N	01E	01		
006	Third Creek	Big Elk Creek	51N	01E	01		
007	Unnamed Stream	Tepee Creek	51N	01E	01		
008	Unnamed Stream	Tepee Creek	51N	01E	01		
009	Big Elk Creek	Tepee Creek	51N	01E	02		
010	First Creek	Big Elk Creek	51N	01E	02		
011	Second Creek	Big Elk Creek	51N	01E	02		
012	Third Creek	Big Elk Creek	51N	01E	02		
013	Unnamed Stream	Big Elk Creek	51N	01E	02		
014	Unnamed Stream	First Creek	51N	01E	02		
015	Unnamed Stream	First Creek	51N	01E	02		
016	Unnamed Stream	Big Elk Creek	51N	01E	03		
017	Unnamed Stream	First Creek	51N	01E	03		
018	Unnamed Stream	Big Elk Creek	51N	01E	04	NENW	L 1
019	Unnamed Stream	Big Elk Creek	51N	01E	04	NENW	L 1
020	Unnamed Stream	Big Elk Creek	51N	01E	04	NESW	
021	Unnamed Stream	Big Elk Creek	51N	01E	04	NWSW	
022	Unnamed Stream	Big Elk Creek	51N	01E	04	NWSW	
023	Unnamed Stream	Big Elk Creek	51N	01E	04	SESW	
024	U S Creek	Tepee Creek	51N	01E	06		
025	Unnamed Stream	U S Creek	51N	01E	06		
026	Unnamed Stream	U S Creek	51N	01E	07		
027	Unnamed Stream	U S Creek	51N	01E	07		
028	Unnamed Stream	U S Creek	51N	01E	07		
029	Unnamed Stream	U S Creek	51N	01E	07		
030	Unnamed Stream	U S Creek	51N	01E	07		
031	Unnamed Stream	U S Creek	51N	01E	07		
032	U S Creek	Tepee Creek	51N	01E	08	NENW	
033	Big Elk Creek	Tepee Creek	51N	01E	08	NESE	
034	U S Creek	Tepee Creek	51N	01E	08	NWNW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
035	Unnamed Stream	U S Creek	51N	01E	08	NWNW	
036	Unnamed Stream	U S Creek	51N	01E	08	NWNW	
037	Unnamed Stream	U S Creek	51N	01E	08	NWNW	
038	Unnamed Stream	U S Creek	51N	01E	08	NWSW	
039	U S Creek	Tepee Creek	51N	01E	08	SENE	
040	Unnamed Stream	Big Elk Creek	51N	01E	08	SENE	
041	U S Creek	Tepee Creek	51N	01E	08	SENW	
042	Big Elk Creek	Tepee Creek	51N	01E	08	SESE	
043	Unnamed Stream	Big Elk Creek	51N	01E	08	SESE	
044	Unnamed Stream	Big Elk Creek	51N	01E	08	SESE	
045	U S Creek	Tepee Creek	51N	01E	08	SWNE	
046	Unnamed Stream	U S Creek	51N	01E	08	SWNW	
047	Big Elk Creek	Tepee Creek	51N	01E	08	SWSE	
048	Unnamed Stream	Big Elk Creek	51N	01E	09	NESE	
049	Big Elk Creek	Tepee Creek	51N	01E	09	NWSW	
050	Unnamed Stream	Big Elk Creek	51N	01E	09	SESW	
051	Unnamed Stream	Big Elk Creek	51N	01E	09	SWSE	
052	Unnamed Stream	Big Elk Creek	51N	01E	09	SWSW	
053	Unnamed Stream	Big Elk Creek	51N	01E	09	SWSW	
054	Unnamed Stream	Big Elk Creek	51N	01E	09	SWSW	
055	Big Elk Creek	Tepee Creek	51N	01E	10		
056	Big Gene Creek	Big Elk Creek	51N	01E	10		
057	Unnamed Stream	Big Elk Creek	51N	01E	10		
058	Unnamed Stream	Big Elk Creek	51N	01E	10		
059	Unnamed Stream	Big Elk Creek	51N	01E	10		
060	Big Elk Creek	Tepee Creek	51N	01E	11		
061	Unnamed Stream	Big Elk Creek	51N	01E	11		
062	Unnamed Stream	Y Creek	51N	01E	11		
063	Y Creek	Tepee Creek	51N	01E	11		
064	Unnamed Stream	Tepee Creek	51N	01E	12	NWNW	
065	Unnamed Stream	Y Creek	51N	01E	12	NWSW	
066	Unnamed Stream	Tepee Creek	51N	01E	12	SENW	
067	Riley Creek	Tepee Creek	51N	01E	12	SESE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
068	Tepee Creek	North Fork Coeur d'Alene River	51N	01E	12	SESW	
069	Y Creek	Tepee Creek	51N	01E	12	SESW	
070	Unnamed Stream	Tepee Creek	51N	01E	12	SWNW	
071	Riley Creek	Tepee Creek	51N	01E	12	SWSE	
072	Tepee Creek	North Fork Coeur d'Alene River	51N	01E	12	SWSE	
073	Unnamed Stream	Y Creek	51N	01E	12	SWSW	
074	Y Creek	Tepee Creek	51N	01E	12	SWSW	
075	Riley Creek	Tepee Creek	51N	01E	13		
076	Tepee Creek	North Fork Coeur d'Alene River	51N	01E	13		
077	Unnamed Stream	Riley Creek	51N	01E	13		
078	Unnamed Stream	Tepee Creek	51N	01E	13		
079	Unnamed Stream	Tepee Creek	51N	01E	13		
080	Mann Creek	Tepee Creek	51N	01E	14		
081	Tepee Creek	North Fork Coeur d'Alene River	51N	01E	14		
082	Unnamed Stream	Tepee Creek	51N	01E	14		
083	West Fork Tepee Creek	Tepee Creek	51N	01E	14		
084	Unnamed Stream	Big Elk Creek	51N	01E	15		
085	Unnamed Stream	Big Elk Creek	51N	01E	16		
086	Big Elk Creek	Tepee Creek	51N	01E	17		
087	Unnamed Stream	Big Elk Creek	51N	01E	17		
088	Big Elk Creek	Tepee Creek	51N	01E	18		
089	Tepee Creek	North Fork Coeur d'Alene River	51N	01E	23		
090	Unnamed Stream	Tepee Creek	51N	01E	23		
091	Unnamed Stream	Tepee Creek	51N	01E	23		
092	Unnamed Stream	Tepee Creek	51N	01E	23		
093	Unnamed Stream	Tepee Creek	51N	01E	23		
094	Unnamed Stream	Tepee Creek	51N	01E	23		
095	Unnamed Stream	Tepee Creek	51N	01E	24		
096	Unnamed Stream	Tepee Creek	51N	01E	24		
097	Unnamed Stream	Tepee Creek	51N	01E	24		
098	Unnamed Stream	Tepee Creek	51N	01E	24		
099	Unnamed Stream	Tepee Creek	51N	01E	24		
100	Unnamed Stream	Tepee Creek	51N	01E	25		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
101	Unnamed Stream	Tepee Creek	51N	01E	25		
102	Tepee Creek	North Fork Coeur d'Alene River	51N	01E	26		
103	Unnamed Stream	Tepee Creek	51N	01E	26		
104	Little Elk Creek	Tepee Creek	51N	02E	04		
105	Unnamed Stream	Little Elk Creek	51N	02E	04		
106	Unnamed Stream	Little Elk Creek	51N	02E	04		
107	Unnamed Stream	Little Elk Creek	51N	02E	04		
108	Unnamed Stream	Little Elk Creek	51N	02E	04		
109	Little Elk Creek	Tepee Creek	51N	02E	05		
110	Unnamed Stream	Little Elk Creek	51N	02E	05		
111	Unnamed Stream	Little Elk Creek	51N	02E	05		
112	Unnamed Stream	Little Elk Creek	51N	02E	05		
113	Unnamed Stream	Little Elk Creek	51N	02E	05		
114	Unnamed Stream	Little Elk Creek	51N	02E	05		
115	Unnamed Stream	Short Creek	51N	02E	05		
116	Little Elk Creek	Tepee Creek	51N	02E	06		
117	Unnamed Stream	Little Elk Creek	51N	02E	06		
118	Unnamed Stream	Little Elk Creek	51N	02E	06		
119	Unnamed Stream	Little Elk Creek	51N	02E	06		
120	Unnamed Stream	Short Creek	51N	02E	06		
121	Unnamed Stream	Short Creek	51N	02E	06		
122	Unnamed Stream	Tepee Creek	51N	02E	06		
123	Short Creek	Tepee Creek	51N	02E	07		
124	Unnamed Stream	Short Creek	51N	02E	07		
125	Unnamed Stream	Short Creek	51N	02E	07		
126	Unnamed Stream	Short Creek	51N	02E	07		
127	Short Creek	Tepee Creek	51N	02E	08		
128	Unnamed Stream	Short Creek	51N	02E	08		
129	Unnamed Stream	Short Creek	51N	02E	08		
130	Unnamed Stream	Short Creek	51N	02E	08		
131	Unnamed Stream	Short Creek	51N	02E	08		
132	Unnamed Stream	Short Creek	51N	02E	08		
133	Little Elk Creek	Tepee Creek	51N	02E	09		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
134	Unnamed Stream	Short Creek	51N	02E	09		
135	Short Creek	Tepee Creek	51N	02E	17		
136	Unnamed Stream	Short Creek	51N	02E	17		
137	Riley Creek	Tepee Creek	51N	02E	18		
138	Unnamed Stream	Riley Creek	51N	02E	18		
139	Unnamed Stream	Riley Creek	51N	02E	18		
140	Van Hoosier Creek	Tepee Creek	52N	01E	24		
141	Van Hoosier Creek	Tepee Creek	52N	01E	25	NENE	
142	Tepee Creek	North Fork Coeur d'Alene River	52N	01E	25	NESE	HES 485C
143	Van Hoosier Creek	Tepee Creek	52N	01E	25	NWNE	
144	Halsey Creek	Tepee Creek	52N	01E	25	SESE	
145	Tepee Creek	North Fork Coeur d'Alene River	52N	01E	25	SESE	HES 485C
146	Unnamed Stream	Van Hoosier Creek	52N	01E	26		
147	Unnamed Stream	Van Hoosier Creek	52N	01E	26		
148	Van Hoosier Creek	Tepee Creek	52N	01E	26		
149	First Creek	Big Elk Creek	52N	01E	34	NENW	
150	Unnamed Stream	Unnamed Stream	52N	01E	34	NESW	
151	Unnamed Stream	First Creek	52N	01E	34	NWSE	
152	Unnamed Stream	Unnamed Stream	52N	01E	34	NWSW	
153	First Creek	Big Elk Creek	52N	01E	34	SENE	
154	First Creek	Big Elk Creek	52N	01E	34	SENW	
155	Unnamed Stream	First Creek	52N	01E	34	SESE	
156	First Creek	Big Elk Creek	52N	01E	34	SWNE	
157	Unnamed Stream	First Creek	52N	01E	34	SWSE	
158	Unnamed Stream	Unnamed Stream	52N	01E	34	SWSW	
159	First Creek	Big Elk Creek	52N	01E	35		
160	New Creek	Big Elk Creek	52N	01E	35		
161	Third Creek	Big Elk Creek	52N	01E	35		
162	Unnamed Stream	First Creek	52N	01E	35		
163	Unnamed Stream	First Creek	52N	01E	35		
164	Unnamed Stream	Tepee Creek	52N	02E	19	NESE	
165	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	19	NWSE	
166	Unnamed Stream	Tepee Creek	52N	02E	19	NWSE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
167	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	19	SENE	
168	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	19	SWNE	
169	Ryan Creek	Tepee Creek	52N	02E	19	SWSE	
170	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	19	SWSE	
171	Ryan Creek	Tepee Creek	52N	02E	20		
172	Unnamed Stream	Halsey Creek	52N	02E	20		
173	Unnamed Stream	Halsey Creek	52N	02E	20		
174	Unnamed Stream	Ryan Creek	52N	02E	20		
175	Unnamed Stream	Halsey Creek	52N	02E	21		
176	Unnamed Stream	Halsey Creek	52N	02E	21		
177	Unnamed Stream	Halsey Creek	52N	02E	21		
178	Unnamed Stream	Halsey Creek	52N	02E	21		
179	Unnamed Stream	Halsey Creek	52N	02E	22		
180	Halsey Creek	Tepee Creek	52N	02E	27		
181	Unnamed Stream	Halsey Creek	52N	02E	27		
182	Unnamed Stream	Halsey Creek	52N	02E	27		
183	Unnamed Stream	Halsey Creek	52N	02E	27		
184	Halsey Creek	Tepee Creek	52N	02E	28		
185	Unnamed Stream	Halsey Creek	52N	02E	28		
186	Unnamed Stream	Halsey Creek	52N	02E	28		
187	Unnamed Stream	Halsey Creek	52N	02E	28		
188	Unnamed Stream	Halsey Creek	52N	02E	28		
189	Halsey Creek	Tepee Creek	52N	02E	29		
190	Ryan Creek	Tepee Creek	52N	02E	29		
191	Unnamed Stream	Halsey Creek	52N	02E	29		
192	Unnamed Stream	Halsey Creek	52N	02E	29		
193	Unnamed Stream	Halsey Creek	52N	02E	29		
194	Ryan Creek	Tepee Creek	52N	02E	30	NENE	
195	Halsey Creek	Tepee Creek	52N	02E	30	NESE	
196	Unnamed Stream	Tepee Creek	52N	02E	30	NESW	
197	Ryan Creek	Tepee Creek	52N	02E	30	NWNE	
198	Unnamed Stream	Tepee Creek	52N	02E	30	NWSE	
199	Unnamed Stream	Tepee Creek	52N	02E	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
200	Halsey Creek	Tepee Creek	52N	02E	30	SESE	
201	Halsey Creek	Tepee Creek	52N	02E	30	SWSE	
202	Halsey Creek	Tepee Creek	52N	02E	30	SWSW	L 4
203	Drexall Creek	Tepee Creek	52N	02E	31		
204	Halsey Creek	Tepee Creek	52N	02E	31		
205	Unnamed Stream	Halsey Creek	52N	02E	31		
206	Unnamed Stream	Little Elk Creek	52N	02E	31		
207	Unnamed Stream	Tepee Creek	52N	02E	31		
208	Drexall Creek	Tepee Creek	52N	02E	32		
209	Unnamed Stream	Halsey Creek	52N	02E	32		
210	Unnamed Stream	Little Elk Creek	52N	02E	32		
211	Unnamed Stream	Little Elk Creek	52N	02E	32		
212	Unnamed Stream	Halsey Creek	52N	02E	33		
213	Unnamed Stream	Little Elk Creek	52N	02E	33		
214	Unnamed Stream	Little Elk Creek	52N	02E	33		
215	Unnamed Stream	Little Elk Creek	52N	02E	33		
216	Unnamed Stream	Little Elk Creek	52N	02E	33		
217	Unnamed Stream	Halsey Creek	52N	02E	34		

Attachment 2

94-09547 A	94-09559 B	94-09565 G	94-09569 E
94-09547 B	94-09559 C	94-09565 H	94-09569 F
94-09548 A	94-09559 D	94-09565 I	94-09569 G
94-09548 B	94-09559 E	94-09565 J	94-09569 H
94-09549	94-09559 F	94-09565 K	94-09569 I
94-09550 A	94-09559 G	94-09565 L	94-09570 A
94-09550 B	94-09559 H	94-09565 M	94-09570 B
94-09551 A	94-09560 A	94-09565 N	94-09570 C
94-09551 B	94-09560 B	94-09565 O	94-09570 D
94-09551 C	94-09561 A	94-09565 P	94-09570 E
94-09551 D	94-09561 B	94-09565 Q	94-09570 F
94-09551 E	94-09561 C	94-09565 R	94-09570 G
94-09551 F	94-09562 A	94-09565 S	94-09571 A
94-09551 G	94-09562 B	94-09565 T	94-09571 B
94-09551 H	94-09562 C	94-09565 U	94-09571 C
94-09551 I	94-09563 A	94-09565 V	94-09572
94-09552 A	94-09563 B	94-09565 W	94-09573 A
94-09552 B	94-09563 C	94-09565 X	94-09573 B
94-09552 C	94-09563 D	94-09565 Y	94-09574
94-09552 D	94-09563 E	94-09566 A	94-09575 A
94-09552 E	94-09563 F	94-09566 B	94-09575 B
94-09552 F	94-09563 G	94-09566 C	94-09576
94-09552 G	94-09563 H	94-09567 A	94-09577 A
94-09552 H	94-09563 I	94-09567 B	94-09577 B
94-09552 I	94-09563 J	94-09567 C	94-09578 A
94-09552 J	94-09563 K	94-09567 D	94-09578 B
94-09553 A	94-09563 L	94-09567 E	94-09578 C
94-09553 B	94-09563 M	94-09567 F	94-09578 D
94-09553 C	94-09563 N	94-09567 G	94-09578 E
94-09553 D	94-09563 O	94-09567 H	94-09578 F
94-09553 E	94-09564 A	94-09567 I	94-09578 G
94-09553 F	94-09564 B	94-09567 J	94-09578 H
94-09553 G	94-09564 C	94-09567 K	94-09578 I
94-09553 H	94-09564 D	94-09567 L	94-09578 J
94-09553 I	94-09564 E	94-09567 M	94-09578 K
94-09554 A	94-09564 F	94-09567 N	94-09578 L
94-09554 B	94-09564 G	94-09567 O	94-09578 M
94-09554 C	94-09564 H	94-09567 P	94-09578 N
94-09554 D	94-09564 I	94-09568 A	94-09579 A
94-09555 A	94-09564 J	94-09568 B	94-09579 B
94-09555 B	94-09564 K	94-09568 C	94-09579 C
94-09555 C	94-09564 L	94-09568 D	94-09579 D
94-09556 A	94-09564 M	94-09568 E	94-09579 E
94-09556 B	94-09564 N	94-09568 F	94-09579 F
94-09556 C	94-09565 A	94-09568 G	94-09579 G
94-09557 A	94-09565 B	94-09568 H	94-09579 H
94-09557 B	94-09565 C	94-09569 A	94-09579 I
94-09558 A	94-09565 D	94-09569 B	94-09579 J
94-09558 B	94-09565 E	94-09569 C	94-09579 K
94-09559 A	94-09565 F	94-09569 D	94-09579 L

Attachment 2

94-09579 M
94-09580 A
94-09580 B
94-09580 C
94-09580 D
94-09580 E
94-09580 F
94-09580 G
94-09580 H
94-09580 I
94-09580 J
94-09580 K
94-09580 L
94-09581 A
94-09581 B
94-09581 C
94-09581 D
94-09582 A
94-09582 B
94-09582 C
94-09582 D
94-09582 E

