

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

JUN 10 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. 94-09573A

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 Placer Creek subwatershed (HUC12 170103020103).

QUANTITY: 1.000 CFS
 10.60 AFY

The quantity under this water right is limited to up to 10.60 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. 94-09573A and 94-09573B are limited to a total combined annual diversion volume of 10.60 acre feet per year.

PRIORITY DATE: 11/06/1906

This water right is subordinate and junior to water right nos. 94-02181, 94-02225A, 94-07009, and 94-07015.

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 10.60 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 Placer Creek subwatershed (HUC12 170103020103), Twomile Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020301), Little North Fork South Fork Coeur d'Alene River-South Fork Coeur d'Alene River subwatershed (HUC12 170103020101), Canyon Creek-Upper South Fork Coeur d'Alene River subwatershed (HUC12 170103020102), Big Creek subwatershed (HUC12 170103020302), Upper North Fork St Joe River subwatershed (HUC12 170103040202) and Upper Slate Creek subwatershed (HUC12 170103040401).

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. Widmar
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 Placer Creek	47N	04E	05		
003	Unnamed Stream	West Fork Placer Creek	47N	04E	05		
004	Unnamed Stream	West Fork Placer Creek	47N	04E	05		
005	West Fork Placer Creek	Placer Creek	47N	04E	05		
006	Unnamed Stream	West Fork Placer Creek	47N	04E	06		
007	West Fork Placer Creek	Placer Creek	47N	04E	06		
008	Unnamed Stream	West Fork Placer Creek	47N	04E	08		
009	Unnamed Stream	West Fork Placer Creek	47N	04E	08		
010	Unnamed Stream	West Fork Placer Creek	47N	04E	08		
011	West Fork Placer Creek	Placer Creek	47N	04E	08		
012	Unnamed Stream	Placer Creek	47N	04E	09		
013	Unnamed Stream	Placer Creek	47N	04E	09		
014	Unnamed Stream	Placer Creek	47N	04E	09		
015	Unnamed Stream	Placer Creek	47N	04E	09		
016	Unnamed Stream	West Fork Placer Creek	47N	04E	09		
017	Unnamed Stream	Placer Creek	47N	04E	10		
018	Unnamed Stream	Placer Creek	47N	04E	10		
019	Placer Creek	South Fork Coeur d'Alene River	47N	04E	11		
020	Unnamed Stream	Placer Creek	47N	04E	11		
021	Unnamed Stream	Placer Creek	47N	04E	11		
022	Unnamed Stream	Placer Creek	47N	04E	11		
023	Unnamed Stream	Placer Creek	47N	04E	11		
024	Placer Creek	South Fork Coeur d'Alene River	47N	04E	12		
025	Unnamed Stream	Placer Creek	47N	04E	12		
026	Unnamed Stream	Placer Creek	47N	04E	12		
027	Unnamed Stream	Placer Creek	47N	04E	12		
028	Unnamed Stream	Placer Creek	47N	04E	12		
029	Unnamed Stream	Placer Creek	47N	04E	12		
030	Unnamed Stream	Placer Creek	47N	04E	12		
031	Placer Creek	South Fork Coeur d'Alene River	47N	04E	13		
032	Unnamed Stream	Placer Creek	47N	04E	13		
033	Unnamed Stream	Placer Creek	47N	04E	13		
034	Unnamed Stream	Placer Creek	47N	04E	13		

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	Placer Creek	47N	04E	13		
036	Unnamed Stream	Placer Creek	47N	04E	13		
037	Unnamed Stream	Placer Creek	47N	04E	13		
038	Unnamed Stream	Placer Creek	47N	04E	14		
039	Unnamed Stream	Placer Creek	47N	04E	14		
040	Unnamed Stream	Placer Creek	47N	04E	14		
041	Unnamed Stream	Placer Creek	47N	04E	14		
042	Unnamed Stream	Placer Creek	47N	04E	14		
043	Unnamed Stream	Placer Creek	47N	04E	15		
044	Unnamed Stream	Placer Creek	47N	04E	15		
045	Unnamed Stream	Placer Creek	47N	04E	15		
046	Unnamed Stream	Placer Creek	47N	04E	15		
047	Unnamed Stream	Placer Creek	47N	05E	07		
048	Unnamed Stream	Placer Creek	47N	05E	07		
049	Unnamed Stream	Placer Creek	47N	05E	07		
050	Placer Creek	South Fork Coeur d'Alene River	47N	05E	08		
051	Unnamed Stream	Placer Creek	47N	05E	08		
052	Unnamed Stream	Placer Creek	47N	05E	08		
053	Placer Creek	South Fork Coeur d'Alene River	47N	05E	09		
054	Placer Creek	South Fork Coeur d'Alene River	47N	05E	17		
055	Unnamed Stream	Placer Creek	47N	05E	17		
056	Unnamed Stream	Placer Creek	47N	05E	17		
057	Unnamed Stream	Placer Creek	47N	05E	17		
058	Placer Creek	South Fork Coeur d'Alene River	47N	05E	18		
059	Unnamed Stream	Placer Creek	47N	05E	18		
060	Unnamed Stream	Placer Creek	47N	05E	18		
061	Unnamed Stream	Placer Creek	47N	05E	18		
062	Unnamed Stream	Placer Creek	47N	05E	18		
063	Unnamed Stream	Placer Creek	47N	05E	18		
064	Unnamed Stream	Summit Creek	47N	05E	19		
065	Unnamed Pond	West Fork Placer Creek	47N	04E	07		
066	Unnamed Pond	West Fork Placer Creek	47N	04E	08		

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

