

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. 94-09547B

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 Spruce Creek-N. Fork Coeur d'Alene River subwatershed (HUC12 170103010101).

QUANTITY: 1.000 CFS
36.70 AFY

The quantity under this water right is limited to up to 36.70 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. 94-09547A and 94-09547B are limited to a total combined annual diversion volume of 36.70 acre feet.

PRIORITY DATE: 06/29/1933

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 36.70 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 Spruce Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010101), Deer Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010102), Independence Creek subwatershed (HUC12 170103010203), North Gold Creek subwatershed (HUC12 170102140202), Granite Creek subwatershed (HUC12 170102140203), Johnson Creek-Clark Fork River subwatershed (HUC12 170102131310) and Twin Creek subwatershed (HUC12 170102131308).

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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Mosquito Creek	North Fork Coeur d'Alene River	54N	02E	20	NWNW	
3	North Fork Coeur d'Alene River	Coeur d'Alene River	54N	02E	20	NWNW	
4	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	20	NWSE	
5	North Fork Coeur d'Alene River	Coeur d'Alene River	54N	02E	20	SENW	
6	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	20	SWNE	
7	North Fork Coeur d'Alene River	Coeur d'Alene River	54N	02E	20	SWSE	
8	Buckskin Creek	North Fork Coeur d'Alene River	54N	02E	28	NESW	
9	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	28	NESW	
10	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	28	NWSW	
11	Buckskin Creek	North Fork Coeur d'Alene River	54N	02E	28	SWSW	
12	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	28	SWSW	
13	North Fork Coeur d'Alene River	Coeur d'Alene River	54N	02E	29	SENE	
14	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	29	SENE	
15	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	31	NENW	
16	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	31	NESW	
17	Larch Creek	Spruce Creek	54N	02E	31	NWSW	L 3
18	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	31	NWSW	L 3
19	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	31	SENE	
20	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	31	SENW	
21	Unnamed Stream	Spruce Creek	54N	02E	31	SESW	
22	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	31	SWNE	
23	Larch Creek	Spruce Creek	54N	02E	31	SWNW	L 2
24	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	31	SWSW	L 4
25	Unnamed Stream	Spruce Creek	54N	02E	31	SWSW	L 4
26	North Fork Coeur d'Alene River	Coeur d'Alene River	54N	02E	32	NESE	
27	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	32	NESE	
28	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	32	NWSE	
29	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	32	SENW	
30	Barren Creek	Spruce Creek	54N	02E	32	SWNW	
31	Spruce Creek	North Fork Coeur d'Alene River	54N	02E	32	SWNW	

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

