

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. 94-09549

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 Jordan Creek subwatershed (HUC12 170103010103).

QUANTITY: 1.000 CFS
17.30 AFY

The quantity under this water right is limited to up to 17.30 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. 94-09547A thru 94-09582E.

See Attachment 2.

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 17.30 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 Jordan Creek subwatershed (HUC12 170103010103), Cataract Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010104), Flat Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010401), Upper Shoshone Creek subwatershed (HUC12 170103010301), Elk Creek subwatershed (HUC12 170102131305) and East Fork Elk Creek subwatershed (HUC12 170102131304).

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 3

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
002	Unnamed Stream	Jordan Creek	53N	03E	02		
003	Unnamed Stream	Jordan Creek	53N	03E	02		
004	Unnamed Stream	Jordan Creek	53N	03E	02		
005	Unnamed Stream	Jordan Creek	53N	03E	03		
006	Unnamed Stream	Jordan Creek	53N	03E	03		
007	Unnamed Stream	Jordan Creek	53N	03E	09		
008	Jordan Creek	North Fork Coeur d'Alene River	53N	03E	10		
009	Unnamed Stream	Jordan Creek	53N	03E	10		
010	Unnamed Stream	Jordan Creek	53N	03E	10		
011	Unnamed Stream	Jordan Creek	53N	03E	10		
012	Unnamed Stream	Jordan Creek	53N	03E	10		
013	Unnamed Stream	Jordan Creek	53N	03E	10		
014	Unnamed Stream	Jordan Creek	53N	03E	10		
015	Jordan Creek	North Fork Coeur d'Alene River	53N	03E	11		
016	Unnamed Stream	Jordan Creek	53N	03E	11		
017	Unnamed Stream	Jordan Creek	53N	03E	11		
018	Unnamed Stream	Jordan Creek	53N	03E	11		
019	Unnamed Stream	Jordan Creek	53N	03E	11		
020	Unnamed Stream	Jordan Creek	53N	03E	11		
021	Unnamed Stream	Jordan Creek	53N	03E	11		
022	Jordan Creek	North Fork Coeur d'Alene River	53N	03E	12		
023	Unnamed Stream	Jordan Creek	53N	03E	12		
024	Unnamed Stream	Jordan Creek	53N	03E	12		
025	Unnamed Stream	Jordan Creek	53N	03E	12		
026	Cub Creek	Lost Fork	53N	03E	13		
027	Jordan Creek	North Fork Coeur d'Alene River	53N	03E	13		
028	Unnamed Stream	Bluff Creek	53N	03E	13		
029	Unnamed Stream	Cub Creek	53N	03E	13		
030	Cub Creek	Lost Fork	53N	03E	14		
031	Lost Fork	Jordan Creek	53N	03E	14		

Attachment 3

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
032	Unnamed Stream	Jordan Creek	53N	03E	14		
033	Unnamed Stream	Jordan Creek	53N	03E	14		
034	Unnamed Stream	Lost Fork	53N	03E	14		
035	Unnamed Stream	Lost Fork	53N	03E	14		
036	Unnamed Stream	Lost Fork	53N	03E	14		
037	Unnamed Stream	Lost Fork	53N	03E	14		
038	Jordan Creek	North Fork Coeur d'Alene River	53N	03E	15		
039	Lost Fork	Jordan Creek	53N	03E	15		
040	Unnamed Stream	Jordan Creek	53N	03E	15		
041	Unnamed Stream	Jordan Creek	53N	03E	15		
042	Unnamed Stream	Jordan Creek	53N	03E	15		
043	Unnamed Stream	Jordan Creek	53N	03E	15		
044	Unnamed Stream	Lost Fork	53N	03E	15		
045	Calamity Creek	Jordan Creek	53N	03E	16		
046	Jordan Creek	North Fork Coeur d'Alene River	53N	03E	16		
047	Unnamed Stream	Jordan Creek	53N	03E	16		
048	Unnamed Stream	Jordan Creek	53N	03E	16		
049	Calamity Creek	Jordan Creek	53N	03E	17		
050	Jordan Creek	North Fork Coeur d'Alene River	53N	03E	17		
051	Calamity Creek	Jordan Creek	53N	03E	21		
052	Unnamed Stream	Calamity Creek	53N	03E	21		
053	Unnamed Stream	Calamity Creek	53N	03E	21		
054	Unnamed Stream	Calamity Creek	53N	03E	21		
055	Plant Creek	Lost Fork	53N	03E	22		
056	Unnamed Stream	Calamity Creek	53N	03E	22		
057	Unnamed Stream	Jordan Creek	53N	03E	22		
058	Unnamed Stream	Lost Fork	53N	03E	22		
059	Unnamed Stream	Plant Creek	53N	03E	22		
060	Unnamed Stream	Plant Creek	53N	03E	22		
061	Bluff Creek	Lost Fork	53N	03E	23		

Attachment 3

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
062	Cub Creek	Lost Fork	53N	03E	23		
063	Lost Fork	Jordan Creek	53N	03E	23		
064	Plant Creek	Lost Fork	53N	03E	23		
065	Sho Creek	Lost Fork	53N	03E	23		
066	Unnamed Stream	Lost Fork	53N	03E	23		
067	Unnamed Stream	Lost Fork	53N	03E	23		
068	Unnamed Stream	Plant Creek	53N	03E	23		
069	Bluff Creek	Lost Fork	53N	03E	24		
070	Lost Fork	Jordan Creek	53N	03E	24		
071	Unnamed Stream	Bluff Creek	53N	03E	24		
072	Unnamed Stream	Lost Fork	53N	03E	24		
073	Unnamed Stream	Lost Fork	53N	03E	24		
074	Unnamed Stream	Lost Fork	53N	03E	24		
075	Unnamed Stream	Lost Fork	53N	03E	24		
076	Unnamed Stream	Lost Fork	53N	03E	24		
077	Unnamed Stream	Lost Fork	53N	03E	24		
078	Lost Fork	Jordan Creek	53N	03E	25		
079	Unnamed Stream	Lost Fork	53N	03E	25		
080	Unnamed Stream	Lost Fork	53N	03E	25		
081	Unnamed Stream	Lost Fork	53N	03E	25		
082	Sho Creek	Lost Fork	53N	03E	26		
083	Unnamed Stream	Lost Fork	53N	03E	26		
084	Unnamed Stream	Lost Fork	53N	03E	26		
085	Unnamed Stream	Lost Fork	53N	03E	26		
086	Unnamed Stream	Sho Creek	53N	03E	26		
087	Unnamed Stream	Sho Creek	53N	03E	26		
088	Unnamed Stream	Sho Creek	53N	03E	26		
089	Calamity Creek	Jordan Creek	53N	03E	27		
090	Sho Creek	Lost Fork	53N	03E	27		
091	Unnamed Stream	Calamity Creek	53N	03E	27		

Attachment 3

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
092	Unnamed Stream	Calamity Creek	53N	03E	27		
093	Unnamed Stream	Sho Creek	53N	03E	27		
094	Unnamed Stream	Sho Creek	53N	03E	27		
095	Calamity Creek	Jordan Creek	53N	03E	28		
096	Unnamed Stream	Calamity Creek	53N	03E	28		
097	Unnamed Stream	Calamity Creek	53N	03E	28		
098	Sho Creek	Lost Fork	53N	03E	34		
099	Unnamed Stream	Sho Creek	53N	03E	34		
100	Sho Creek	Lost Fork	53N	03E	35		
101	Unnamed Stream	Lost Fork	53N	03E	35		
102	Unnamed Stream	Sho Creek	53N	03E	35		
103	Lost Fork	Jordan Creek	53N	03E	36		
104	Unnamed Stream	Bluff Creek	53N	04E	18		
105	Bluff Creek	Lost Fork	53N	04E	19		
106	Unnamed Stream	Lost Fork	53N	04E	19		
107	Unnamed Pond	Jordan Creek	53N	03E	11		
108	Unnamed Pond	Jordan Creek	53N	03E	11		
109	Jordan Springs	Jordan Creek	53N	03E	02	NWSW	

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

