

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. 94-09554A

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 Lower Tepee Creek subwatershed (HUC12 170103010204).

QUANTITY: 1.000 CFS
17.60 AFY

The quantity under this water right is limited to up to 17.60 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. 94-09554A, 94-09554B, 94-09554C and 94-09554D are limited to a total combined annual diversion volume of 17.60 acre feet.

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 17.60 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 Lower Tepee Creek subwatershed (HUC12 170103010204), Independence Creek subwatershed (HUC12 170103010203), Cataract Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010104), Flat Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010401), Trail Creek subwatershed (HUC12 170103010202) and Upper Tepee Creek subwatershed (HUC12 170103010201).

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	Evans Creek	Tepee Creek	52N	01E	01		
003	Magee Creek	Tepee Creek	52N	01E	12		
004	Magee Creek	Tepee Creek	52N	01E	13		
005	Mac Creek	Tepee Creek	52N	02E	01		
006	Tepee Creek	Coeur d'Alene River	52N	02E	01		
007	Unnamed Stream	North Fork Coeur d'Alene River	52N	02E	01		
008	Unnamed Stream	Tepee Creek	52N	02E	01		
009	Unnamed Stream	Tepee Creek	52N	02E	01		
010	Forks Creek	Tepee Creek	52N	02E	02		
011	Opposite Creek	Tepee Creek	52N	02E	02		
012	Tepee Creek	Coeur d'Alene River	52N	02E	02		
013	Unnamed Stream	Forks Creek	52N	02E	02		
014	Unnamed Stream	Tepee Creek	52N	02E	02		
015	Winton Creek	Tepee Creek	52N	02E	02		
016	Mercury Creek	Tepee Creek	52N	02E	03		
017	Tepee Creek	Coeur d'Alene River	52N	02E	03		
018	Unnamed Stream	Forks Creek	52N	02E	03		
019	Unnamed Stream	Tepee Creek	52N	02E	03		
020	Unnamed Stream	Tepee Creek	52N	02E	03		
021	Unnamed Stream	Tepee Creek	52N	02E	03		
022	Unnamed Stream	Tepee Creek	52N	02E	03		
023	Tepee Creek	Coeur d'Alene River	52N	02E	04		
024	Unnamed Stream	Tepee Creek	52N	02E	04		
025	Unnamed Stream	Tepee Creek	52N	02E	04		
026	Pierson Creek	Tepee Creek	52N	02E	05		
027	Evans Creek	Tepee Creek	52N	02E	06		
028	Pierson Creek	Tepee Creek	52N	02E	06		
029	Unnamed Stream	Pierson Creek	52N	02E	06		
030	Blackie Creek	Tepee Creek	52N	02E	07		
031	Evans Creek	Tepee Creek	52N	02E	07		
032	Unnamed Stream	Evans Creek	52N	02E	07		
033	Unnamed Stream	Pierson Creek	52N	02E	07		
034	Unnamed Stream	Tepee Creek	52N	02E	08	NENE	
035	Cool Water Creek	Tepee Creek	52N	02E	08	NENW	
036	Unnamed Stream	Tepee Creek	52N	02E	08	NESE	
037	Pierson Creek	Tepee Creek	52N	02E	08	NWNW	
038	Cool Water Creek	Tepee Creek	52N	02E	08	NWSE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
039	Pierson Creek	Tepee Creek	52N	02E	08	NWSW	
040	Unnamed Stream	Tepee Creek	52N	02E	08	SENE	
041	Unnamed Stream	Tepee Creek	52N	02E	08	SENE	
042	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	08	SESE	
043	Unnamed Stream	Tepee Creek	52N	02E	08	SESE	
044	Cool Water Creek	Tepee Creek	52N	02E	08	SWNE	
045	Unnamed Stream	Tepee Creek	52N	02E	08	SWNE	
046	Pierson Creek	Tepee Creek	52N	02E	08	SWNW	
047	Unnamed Stream	Pierson Creek	52N	02E	08	SWNW	
048	Cool Water Creek	Tepee Creek	52N	02E	08	SWSE	
049	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	08	SWSE	
050	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	09		
051	Tepee Creek	Coeur d'Alene River	52N	02E	09		
052	Unnamed Stream	Plant Creek	52N	02E	09		
053	Unnamed Stream	Tepee Creek	52N	02E	09		
054	Unnamed Stream	Tepee Creek	52N	02E	09		
055	Unnamed Stream	Tepee Creek	52N	02E	09		
056	Unnamed Stream	Tepee Creek	52N	02E	09		
057	Unnamed Stream	Tepee Creek	52N	02E	09		
058	Plant Creek	Tepee Creek	52N	02E	10		
059	Tepee Creek	Coeur d'Alene River	52N	02E	10		
060	Unnamed Stream	Plant Creek	52N	02E	10		
061	Unnamed Stream	Plant Creek	52N	02E	10		
062	Unnamed Stream	Plant Creek	52N	02E	10		
063	Unnamed Stream	Plant Creek	52N	02E	10		
064	Unnamed Stream	Tepee Creek	52N	02E	10		
065	Unnamed Stream	Tepee Creek	52N	02E	10		
066	Unnamed Stream	Tepee Creek	52N	02E	10		
067	Unnamed Stream	Tepee Creek	52N	02E	10		
068	Unnamed Stream	Tepee Creek	52N	02E	10		
069	Opposite Creek	Tepee Creek	52N	02E	11		
070	Unnamed Stream	Opposite Creek	52N	02E	11		
071	Unnamed Stream	Tepee Creek	52N	02E	11		
072	Unnamed Stream	Tepee Creek	52N	02E	11		
073	Unnamed Stream	North Fork Coeur d'Alene River	52N	02E	12		
074	Unnamed Stream	Plant Creek	52N	02E	14		
075	Plant Creek	Tepee Creek	52N	02E	15		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
076	Unnamed Stream	Fearn Creek	52N	02E	15		
077	Unnamed Stream	Fearn Creek	52N	02E	15		
078	Unnamed Stream	Plant Creek	52N	02E	15		
079	Unnamed Stream	Plant Creek	52N	02E	15		
080	Unnamed Stream	Plant Creek	52N	02E	15		
081	Unnamed Stream	Plant Creek	52N	02E	15		
082	Unnamed Stream	Plant Creek	52N	02E	15		
083	Fearn Creek	Tepee Creek	52N	02E	16		
084	Unnamed Stream	Fearn Creek	52N	02E	16		
085	Unnamed Stream	Fearn Creek	52N	02E	16		
086	Unnamed Stream	Fearn Creek	52N	02E	16		
087	Unnamed Stream	Fearn Creek	52N	02E	16		
088	Unnamed Stream	Fearn Creek	52N	02E	16		
089	Unnamed Stream	Fearn Creek	52N	02E	16		
090	Unnamed Stream	Fearn Creek	52N	02E	16		
091	Fearn Creek	Tepee Creek	52N	02E	17	NENE	
092	Steep Creek	Tepee Creek	52N	02E	17	NESW	
093	Fearn Creek	Tepee Creek	52N	02E	17	NWNE	
094	Fearn Creek	Tepee Creek	52N	02E	17	SENE	
095	Unnamed Stream	Fearn Creek	52N	02E	17	SENE	
096	Steep Creek	Tepee Creek	52N	02E	17	SENW	
097	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	17	SENW	
098	Steep Creek	Tepee Creek	52N	02E	17	SESW	
099	Blackie Creek	Tepee Creek	52N	02E	17	SWNW	
100	Steep Creek	Tepee Creek	52N	02E	17	SWNW	
101	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	17	SWNW	
102	Steep Creek	Tepee Creek	52N	02E	17	SWSE	
103	Unnamed Stream	Tepee Creek	52N	02E	17	SWSW	
104	Blackie Creek	Tepee Creek	52N	02E	18	NWNE	
105	Magee Creek	Tepee Creek	52N	02E	18	NWNW	L 1
106	Magee Creek	Tepee Creek	52N	02E	18	NWSE	
107	Blackie Creek	Tepee Creek	52N	02E	18	SENE	
108	Magee Creek	Tepee Creek	52N	02E	18	SENW	
109	Magee Creek	Tepee Creek	52N	02E	18	SWNE	
110	Magee Creek	Tepee Creek	52N	02E	18	SWNW	L 2
111	Steep Creek	Tepee Creek	52N	02E	20		
112	Unnamed Stream	Tepee Creek	52N	02E	20		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
113	Unnamed Stream	Tepee Creek	52N	02E	20		
114	Fearn Creek	Tepee Creek	52N	02E	21		
115	Unnamed Stream	Fearn Creek	52N	02E	21		
116	Unnamed Stream	Fearn Creek	52N	02E	21		
117	Unnamed Stream	Fearn Creek	52N	02E	22		
118	North Fork Coeur d'Alene River	Coeur d'Alene River	52N	03E	06		
119	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	06		
120	Forks Creek	Tepee Creek	53N	02E	26		
121	Mac Creek	Tepee Creek	53N	02E	26		
122	Unnamed Stream	Forks Creek	53N	02E	26		
123	Unnamed Stream	Forks Creek	53N	02E	26		
124	Forks Creek	Tepee Creek	53N	02E	27		
125	Mercury Creek	Tepee Creek	53N	02E	27		
126	Unnamed Stream	Forks Creek	53N	02E	27		
127	Unnamed Stream	Mercury Creek	53N	02E	27		
128	Forks Creek	Tepee Creek	53N	02E	34		
129	Mercury Creek	Tepee Creek	53N	02E	34		
130	Unnamed Stream	Forks Creek	53N	02E	34		
131	Unnamed Stream	Forks Creek	53N	02E	34		
132	Unnamed Stream	Mercury Creek	53N	02E	34		
133	Unnamed Stream	Mercury Creek	53N	02E	34		
134	Unnamed Stream	Mercury Creek	53N	02E	34		
135	Unnamed Stream	Tepee Creek	53N	02E	34		
136	Forks Creek	Tepee Creek	53N	02E	35		
137	Mac Creek	Tepee Creek	53N	02E	35		
138	Unnamed Stream	Forks Creek	53N	02E	35		
139	Unnamed Stream	Forks Creek	53N	02E	35		
140	Unnamed Stream	Forks Creek	53N	02E	35		
141	Unnamed Stream	Forks Creek	53N	02E	35		
142	Winton Creek	Tepee Creek	53N	02E	35		
143	Mac Creek	Tepee Creek	53N	02E	36		
144	Drexall Spring	Plant Creek	52N	02E	15	NESW	

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

