

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. 94-09555A

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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 Shoshone Creek subwatershed (HUC12 170103010301).

QUANTITY: 1.000 CFS  
41.70 AFY

The quantity under this water right is limited to up to 41.70 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. 94-09555A, 94-09555B, 94-09555C and 94-09597 are limited to a total combined annual diversion volume of 41.70 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 41.70 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 Upper Shoshone Creek subwatershed (HUC12 170103010302), Jordan Creek subwatershed (HUC12 170103010103), Yellow Dog Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Lower Shoshone Creek subwatershed (HUC12 170103010302) and Montana HUC12s East Fork Elk Creek subwatershed (HUC12 170102131304) and Marten Creek subwatershed (HUC12 170102131004).

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.

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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	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	04	NESW	
003	Unnamed Stream	Shoshone Creek	51N	04E	04	NESW	
004	Unnamed Stream	Shoshone Creek	51N	04E	04	NESW	
005	Pipe Creek	Shoshone Creek	51N	04E	04	NWNE	L 2
006	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	04	NWNE	L 2
007	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	04	SESW	
008	Unnamed Stream	Shoshone Creek	51N	04E	04	SESW	
009	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	04	SESW	
010	Unnamed Stream	Shoshone Creek	51N	04E	05		
011	Unnamed Stream	Shoshone Creek	51N	04E	05		
012	Unnamed Stream	Shoshone Creek	51N	04E	05		
013	Unnamed Stream	Shoshone Creek	51N	04E	06		
014	Unnamed Stream	Shoshone Creek	51N	04E	06		
015	Falls Creek	Shoshone Creek	51N	04E	09		
016	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	09		
017	Unnamed Stream	Shoshone Creek	51N	04E	09		
018	Unnamed Stream	Shoshone Creek	51N	04E	09		
019	Unnamed Stream	Shoshone Creek	51N	04E	09		
020	Hemlock Creek	Shoshone Creek	52N	03E	01		
021	Unnamed Stream	Hemlock Creek	52N	03E	01		
022	Unnamed Stream	Hemlock Creek	52N	03E	01		
023	Unnamed Stream	Little Lost Fork	52N	03E	01		
024	Unnamed Stream	Little Lost Fork	52N	03E	01		
025	Unnamed Stream	Shoshone Creek	52N	03E	01		
026	Unnamed Stream	Shoshone Creek	52N	03E	01		
027	Unnamed Stream	Shoshone Creek	52N	03E	01		
028	Hemlock Creek	Shoshone Creek	52N	03E	02		
029	Unnamed Stream	Hemlock Creek	52N	03E	02		
030	Unnamed Stream	Hemlock Creek	52N	03E	02		
031	Unnamed Stream	Hemlock Creek	52N	03E	02		
032	Unnamed Stream	Little Lost Fork	52N	03E	02		
033	Unnamed Stream	Little Lost Fork	52N	03E	02		
034	Little Lost Fork	Shoshone Creek	52N	03E	11		

# 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	Little Lost Fork	52N	03E	11		
036	Unnamed Stream	Little Lost Fork	52N	03E	11		
037	Unnamed Stream	Little Lost Fork	52N	03E	11		
038	Little Lost Fork	Shoshone Creek	52N	03E	12		
039	Unnamed Stream	Little Lost Fork	52N	03E	12		
040	Unnamed Stream	Little Lost Fork	52N	03E	12		
041	Unnamed Stream	Little Lost Fork	52N	03E	12		
042	Unnamed Stream	Little Lost Fork	52N	03E	12		
043	Unnamed Stream	Little Lost Fork	52N	03E	12		
044	Unnamed Stream	Shoshone Creek	52N	03E	12		
045	Unnamed Stream	Shoshone Creek	52N	03E	12		
046	Sentinel Creek	Shoshone Creek	52N	03E	13		
047	Unnamed Stream	Little Lost Fork	52N	03E	13		
048	Unnamed Stream	Sentinel Creek	52N	03E	13		
049	Unnamed Stream	Sentinel Creek	52N	03E	13		
050	Unnamed Stream	Sentinel Creek	52N	03E	13		
051	Little Lost Fork	Shoshone Creek	52N	03E	14		
052	Unnamed Stream	Little Lost Fork	52N	03E	14		
053	Unnamed Stream	Sentinel Creek	52N	03E	14		
054	Sentinel Creek	Shoshone Creek	52N	03E	23		
055	Unnamed Stream	Sentinel Creek	52N	03E	23		
056	Unnamed Stream	Shoshone Creek	52N	03E	23		
057	Camp Creek	Shoshone Creek	52N	03E	24		
058	Sentinel Creek	Shoshone Creek	52N	03E	24		
059	Unnamed Stream	Shoshone Creek	52N	03E	24		
060	Unnamed Stream	Shoshone Creek	52N	03E	25		
061	Unnamed Stream	Shoshone Creek	52N	03E	25		
062	Unnamed Stream	Shoshone Creek	52N	03E	25		
063	Unnamed Stream	Shoshone Creek	52N	03E	26		
064	Pine Flat Creek	Shoshone Creek	52N	03E	36		
065	Clinton Creek	Shoshone Creek	52N	04E	04		
066	Ulm Creek	Shoshone Creek	52N	04E	04		
067	Unnamed Stream	Clinton Creek	52N	04E	04		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
068	Ulm Creek	Shoshone Creek	52N	04E	05		
069	Unnamed Stream	Ulm Creek	52N	04E	05		
070	Unnamed Stream	Ulm Creek	52N	04E	05		
071	Unnamed Stream	Ulm Creek	52N	04E	05		
072	Hemlock Creek	Shoshone Creek	52N	04E	06		
073	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	06		
074	Tent Creek	Shoshone Creek	52N	04E	06		
075	Unnamed Stream	Shoshone Creek	52N	04E	06		
076	Unnamed Stream	Shoshone Creek	52N	04E	06		
077	Unnamed Stream	Shoshone Creek	52N	04E	06		
078	Unnamed Stream	Shoshone Creek	52N	04E	06		
079	Unnamed Stream	Shoshone Creek	52N	04E	06		
080	Unnamed Stream	Shoshone Creek	52N	04E	06		
081	Unnamed Stream	Shoshone Creek	52N	04E	06		
082	Little Lost Fork	Shoshone Creek	52N	04E	07		
083	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	07		
084	Tent Creek	Shoshone Creek	52N	04E	07		
085	Ulm Creek	Shoshone Creek	52N	04E	07		
086	Unnamed Stream	Shoshone Creek	52N	04E	07		
087	Unnamed Stream	Shoshone Creek	52N	04E	07		
088	Clinton Creek	Shoshone Creek	52N	04E	08		
089	Ulm Creek	Shoshone Creek	52N	04E	08		
090	Unnamed Stream	Clinton Creek	52N	04E	08		
091	Unnamed Stream	Clinton Creek	52N	04E	08		
092	Windfall Creek	Shoshone Creek	52N	04E	08		
093	Clinton Creek	Shoshone Creek	52N	04E	09		
094	Unnamed Stream	Clinton Creek	52N	04E	09		
095	Unnamed Stream	Clinton Creek	52N	04E	09		
096	Unnamed Stream	Clinton Creek	52N	04E	09		
097	Unnamed Stream	Clinton Creek	52N	04E	09		
098	Rampike Creek	Shoshone Creek	52N	04E	10		
099	Unnamed Stream	Rampike Creek	52N	04E	10		
100	Cabin Creek	Shoshone Creek	52N	04E	14		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
101	Rampike Creek	Shoshone Creek	52N	04E	15		
102	Unnamed Stream	Rampike Creek	52N	04E	15		
103	Unnamed Stream	Rampike Creek	52N	04E	15		
104	Unnamed Stream	Rampike Creek	52N	04E	15		
105	Unnamed Stream	Rampike Creek	52N	04E	15		
106	Rampike Creek	Shoshone Creek	52N	04E	16		
107	Unnamed Stream	Clinton Creek	52N	04E	16		
108	Unnamed Stream	Clinton Creek	52N	04E	16		
109	Clinton Creek	Shoshone Creek	52N	04E	17		
110	Unnamed Stream	Clinton Creek	52N	04E	17		
111	Unnamed Stream	Clinton Creek	52N	04E	17		
112	Unnamed Stream	Shoshone Creek	52N	04E	17		
113	Windfall Creek	Shoshone Creek	52N	04E	17		
114	Little Lost Fork	Shoshone Creek	52N	04E	18		
115	Sentinel Creek	Shoshone Creek	52N	04E	18		
116	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	18		
117	Ulm Creek	Shoshone Creek	52N	04E	18		
118	Unnamed Stream	Sentinel Creek	52N	04E	18		
119	Unnamed Stream	Shoshone Creek	52N	04E	18		
120	Unnamed Stream	Shoshone Creek	52N	04E	18		
121	Windfall Creek	Shoshone Creek	52N	04E	18		
122	Camp Creek	Shoshone Creek	52N	04E	19		
123	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	19		
124	Unnamed Stream	Camp Creek	52N	04E	19		
125	Unnamed Stream	Shoshone Creek	52N	04E	19		
126	Unnamed Stream	Shoshone Creek	52N	04E	19		
127	Clinton Creek	Shoshone Creek	52N	04E	20		
128	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	20		
129	Unnamed Stream	Clinton Creek	52N	04E	20		
130	Unnamed Stream	Shoshone Creek	52N	04E	20		
131	Rampike Creek	Shoshone Creek	52N	04E	21		
132	Unnamed Stream	Cabin Creek	52N	04E	21		
133	Unnamed Stream	Clinton Creek	52N	04E	21		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
134	Cabin Creek	Shoshone Creek	52N	04E	22		
135	South Fork Cabin Creek	Cabin Creek	52N	04E	22		
136	Unnamed Stream	Cabin Creek	52N	04E	22		
137	Unnamed Stream	Cabin Creek	52N	04E	22		
138	Cabin Creek	Shoshone Creek	52N	04E	23		
139	South Fork Cabin Creek	Cabin Creek	52N	04E	23		
140	Unnamed Stream	South Fork Cabin Creek	52N	04E	23		
141	South Fork Cabin Creek	Cabin Creek	52N	04E	26		
142	Cabin Creek	Shoshone Creek	52N	04E	27		
143	Chute Creek	Shoshone Creek	52N	04E	27		
144	Unnamed Stream	Cabin Creek	52N	04E	27		
145	Unnamed Stream	Chute Creek	52N	04E	27		
146	Cabin Creek	Shoshone Creek	52N	04E	28	NENE	
147	Unnamed Stream	Rampike Creek	52N	04E	28	NENW	
148	Cabin Creek	Shoshone Creek	52N	04E	28	NESE	
149	Unnamed Stream	Rampike Creek	52N	04E	28	NWNE	
150	Cabin Creek	Shoshone Creek	52N	04E	28	NWSE	
151	Cabin Creek	Shoshone Creek	52N	04E	28	SENE	
152	Unnamed Stream	Rampike Creek	52N	04E	28	SENW	
153	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	29		
154	Unnamed Stream	Shoshone Creek	52N	04E	29		
155	Unnamed Stream	Shoshone Creek	52N	04E	30		
156	Unnamed Stream	Shoshone Creek	52N	04E	30		
157	Unnamed Stream	Shoshone Creek	52N	04E	30		
158	Pine Flat Creek	Shoshone Creek	52N	04E	31		
159	Unnamed Stream	Pine Flat Creek	52N	04E	31		
160	Unnamed Stream	Shoshone Creek	52N	04E	31		
161	Pine Flat Creek	Shoshone Creek	52N	04E	32		
162	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	32		
163	Unnamed Stream	Pine Flat Creek	52N	04E	32		
164	Unnamed Stream	Shoshone Creek	52N	04E	32		
165	Chute Creek	Shoshone Creek	52N	04E	33	NESE	
166	Pine Flat Creek	Shoshone Creek	52N	04E	33	NWNW	

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
167	Rampike Creek	Shoshone Creek	52N	04E	33	NWNW	
168	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	33	NWNW	
169	Chute Creek	Shoshone Creek	52N	04E	33	NWSE	
170	Unnamed Stream	Shoshone Creek	52N	04E	33	NWSW	
171	Pipe Creek	Shoshone Creek	52N	04E	33	SESE	
172	Pipe Creek	Shoshone Creek	52N	04E	34	NENE	
173	Chute Creek	Shoshone Creek	52N	04E	34	NENW	
174	Unnamed Stream	Chute Creek	52N	04E	34	NENW	
175	Pipe Creek	Shoshone Creek	52N	04E	34	NESW	
176	Chute Creek	Shoshone Creek	52N	04E	34	NWNE	
177	Chute Creek	Shoshone Creek	52N	04E	34	NWNW	
178	Unnamed Stream	Chute Creek	52N	04E	34	NWNW	
179	Pipe Creek	Shoshone Creek	52N	04E	34	SENE	
180	Pipe Creek	Shoshone Creek	52N	04E	34	SWNE	
181	Chute Creek	Shoshone Creek	52N	04E	34	SWNW	
182	Shoshone Creek	North Fork Coeur d'Alene River	53N	03E	25		
183	Hemlock Creek	Shoshone Creek	53N	03E	35		
184	Unnamed Stream	Hemlock Creek	53N	03E	35		
185	Unnamed Stream	Hemlock Creek	53N	03E	35		
186	Unnamed Stream	Hemlock Creek	53N	03E	35		
187	Shoshone Creek	North Fork Coeur d'Alene River	53N	03E	36		
188	Unnamed Stream	Hemlock Creek	53N	03E	36		
189	Unnamed Stream	Shoshone Creek	53N	03E	36		
190	Unnamed Stream	Shoshone Creek	53N	03E	36		
191	Unnamed Stream	Shoshone Creek	53N	03E	36		
192	Unnamed Stream	Shoshone Creek	53N	03E	36		
193	Shoshone Creek	North Fork Coeur d'Alene River	53N	04E	19		
194	Unnamed Stream	Shoshone Creek	53N	04E	29		
195	Unnamed Stream	Shoshone Creek	53N	04E	29		
196	Shoshone Creek	North Fork Coeur d'Alene River	53N	04E	30		
197	Unnamed Stream	Shoshone Creek	53N	04E	30		
198	Unnamed Stream	Shoshone Creek	53N	04E	30		
199	Shoshone Creek	North Fork Coeur d'Alene River	53N	04E	31		



# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
200	Unnamed Stream	Shoshone Creek	53N	04E	31		
201	Unnamed Stream	Shoshone Creek	53N	04E	31		
202	Unnamed Stream	Shoshone Creek	53N	04E	31		
203	Unnamed Stream	Shoshone Creek	53N	04E	31		
204	Unnamed Stream	Shoshone Creek	53N	04E	31		
205	Unnamed Stream	Shoshone Creek	53N	04E	31		
206	Unnamed Stream	Shoshone Creek	53N	04E	31		
207	Ulm Creek	Shoshone Creek	53N	04E	32		
208	Unnamed Stream	Shoshone Creek	53N	04E	32		
209	Unnamed Stream	Shoshone Creek	53N	04E	32		
210	Unnamed Stream	Ulm Creek	53N	04E	32		
211	Ulm Creek	Shoshone Creek	53N	04E	33		
212	Unnamed Pond	Sink	52N	03E	14		
213	Unnamed Pond	Sink	52N	03E	36		

## 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

