

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. 94-09556A

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 Shoshone Creek subwatershed (HUC12 170103010302).

QUANTITY: 1.000 CFS
27.40 AFY

The quantity under this water right is limited to up to 27.40 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. 94-09556A, 94-09556B and 94-09556C are limited to a total combined annual diversion volume of 27.40 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 27.40 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 Shoshone Creek subwatershed (HUC12 170103010302), Upper Shoshone Creek subwatershed (HUC12 170103010301), Yellow Dog Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Lost Creek subwatershed (HUC12 170103010402), Upper Trout Creek subwatershed (HUC12 170102131001) 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.

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	Loading Creek	Shoshone Creek	50N	04E	04		
003	Unnamed Stream	Shoshone Creek	50N	04E	04		
004	Unnamed Stream	Shoshone Creek	50N	04E	04		
005	Loading Creek	Shoshone Creek	50N	04E	05		
006	Shoshone Creek	North Fork Coeur d'Alene River	50N	04E	05		
007	Unnamed Stream	Shoshone Creek	50N	04E	05		
008	Unnamed Stream	Shoshone Creek	50N	04E	05		
009	Unnamed Stream	Shoshone Creek	50N	04E	05		
010	Shoshone Creek	North Fork Coeur d'Alene River	50N	04E	08		
011	Snow Creek	Falls Creek	51N	04E	01		
012	Unnamed Stream	Falls Creek	51N	04E	01		
013	Unnamed Stream	Falls Creek	51N	04E	01		
014	Unnamed Stream	South Fork Falls Creek	51N	04E	01		
015	Cascade Creek	Falls Creek	51N	04E	02	NENE	L 1
016	Cascade Creek	Falls Creek	51N	04E	02	SENE	
017	Snow Creek	Falls Creek	51N	04E	02	SESE	
018	Snow Creek	Falls Creek	51N	04E	02	SESW	
019	Snow Creek	Falls Creek	51N	04E	02	SWSE	
020	Unnamed Stream	Falls Creek	51N	04E	03	NENW	L 3
021	Unnamed Stream	Falls Creek	51N	04E	03	NWNW	L 4
022	Falls Creek	Shoshone Creek	51N	04E	04		
023	Unnamed Stream	Falls Creek	51N	04E	04		
024	Unnamed Stream	Shoshone Creek	51N	04E	08		
025	Unnamed Stream	Shoshone Creek	51N	04E	08		
026	Unnamed Stream	Shoshone Creek	51N	04E	08		
027	Unnamed Stream	Shoshone Creek	51N	04E	08		
028	Bull Creek	Falls Creek	51N	04E	09		
029	Falls Creek	Shoshone Creek	51N	04E	09		
030	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	09		
031	Unnamed Stream	Falls Creek	51N	04E	09		
032	Unnamed Stream	Shoshone Creek	51N	04E	09		
033	Unnamed Stream	Shoshone Creek	51N	04E	09		
034	Bull Creek	Falls Creek	51N	04E	10		
035	North Fork Haystack Creek	Haystack Creek	51N	04E	10		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
036	Unnamed Stream	Haystack Creek	51N	04E	10		
037	Unnamed Stream	North Fork Haystack Creek	51N	04E	10		
038	Haystack Creek	Shoshone Creek	51N	04E	11		
039	North Fork Haystack Creek	Haystack Creek	51N	04E	11		
040	Haystack Creek	Shoshone Creek	51N	04E	14		
041	Unnamed Stream	North Fork Haystack Creek	51N	04E	15	NENE	
042	Unnamed Stream	North Fork Haystack Creek	51N	04E	15	NWNE	
043	Unnamed Stream	North Fork Haystack Creek	51N	04E	15	NWNE	
044	Haystack Creek	Shoshone Creek	51N	04E	16		
045	Little Haystack Creek	Shoshone Creek	51N	04E	16		
046	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	16		
047	Unnamed Stream	Haystack Creek	51N	04E	16		
048	Unnamed Stream	Shoshone Creek	51N	04E	16		
049	Haystack Creek	Shoshone Creek	51N	04E	17		
050	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	17		
051	Unnamed Stream	Shoshone Creek	51N	04E	17		
052	Unnamed Stream	Shoshone Creek	51N	04E	17		
053	Unnamed Stream	Shoshone Creek	51N	04E	17		
054	Unnamed Stream	Shoshone Creek	51N	04E	17		
055	Unnamed Stream	Shoshone Creek	51N	04E	17		
056	Unnamed Stream	Shoshone Creek	51N	04E	17		
057	Unnamed Stream	Shoshone Creek	51N	04E	17		
058	Unnamed Stream	Shoshone Creek	51N	04E	19		
059	Unnamed Stream	Shoshone Creek	51N	04E	19		
060	Little Haystack Creek	Shoshone Creek	51N	04E	20	NENE	
061	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	20	NENE	
062	Unnamed Stream	Shoshone Creek	51N	04E	20	NWSW	
063	Unnamed Stream	Shoshone Creek	51N	04E	20	SENE	
064	Unnamed Stream	Shoshone Creek	51N	04E	20	SENW	
065	Unnamed Stream	Shoshone Creek	51N	04E	20	SESE	
066	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	20	SESW	
067	Unnamed Stream	Shoshone Creek	51N	04E	20	SESW	
068	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	20	SWNE	
069	Unnamed Stream	Shoshone Creek	51N	04E	20	SWNE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
070	Unnamed Stream	Shoshone Creek	51N	04E	20	SWNW	
071	Unnamed Stream	Shoshone Creek	51N	04E	20	SWNW	
072	Unnamed Stream	Shoshone Creek	51N	04E	20	SWNW	
073	Dam Creek	Shoshone Creek	51N	04E	21		
074	Little Haystack Creek	Shoshone Creek	51N	04E	21		
075	Unnamed Stream	Dam Creek	51N	04E	21		
076	Unnamed Stream	Dam Creek	51N	04E	21		
077	Unnamed Stream	Shoshone Creek	51N	04E	21		
078	Unnamed Stream	Shoshone Creek	51N	04E	21		
079	Dam Creek	Shoshone Creek	51N	04E	22		
080	Unnamed Stream	Dam Creek	51N	04E	27		
081	Dam Creek	Shoshone Creek	51N	04E	28		
082	Flover Creek	Shoshone Creek	51N	04E	28		
083	Unnamed Stream	Dam Creek	51N	04E	28		
084	Unnamed Stream	Dam Creek	51N	04E	28		
085	Unnamed Stream	Dam Creek	51N	04E	28		
086	Unnamed Stream	Dam Creek	51N	04E	28		
087	Unnamed Stream	Dam Creek	51N	04E	28		
088	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	29	NENE	
089	Unnamed Stream	Shoshone Creek	51N	04E	29	NENE	
090	Unnamed Stream	Shoshone Creek	51N	04E	29	NENE	
091	Unnamed Stream	Shoshone Creek	51N	04E	29	NENW	
092	Dam Creek	Shoshone Creek	51N	04E	29	NESE	
093	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	29	NESE	
094	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	29	NWNE	
095	Unnamed Stream	Shoshone Creek	51N	04E	29	NWNE	
096	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	29	NWSE	
097	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	29	SWSE	
098	Flover Creek	Shoshone Creek	51N	04E	32	NENE	
099	Flover Creek	Shoshone Creek	51N	04E	32	NWNE	
100	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	32	NWNE	
101	Bridge Creek	Shoshone Creek	51N	04E	32	SWSE	
102	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	32	SWSE	
103	Unnamed Stream	Shoshone Creek	51N	04E	32	SWSE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
104	Bridge Creek	Shoshone Creek	51N	04E	33	NENW	
105	Plover Creek	Shoshone Creek	51N	04E	33	NWNW	
106	Bridge Creek	Shoshone Creek	51N	04E	33	SENW	
107	Loading Creek	Shoshone Creek	51N	04E	33	SWNE	
108	Unnamed Stream	South Fork Falls Creek	51N	05E	05		
109	Unnamed Stream	South Fork Falls Creek	51N	05E	05		
110	Unnamed Stream	South Fork Falls Creek	51N	05E	05		
111	Unnamed Stream	South Fork Falls Creek	51N	05E	06	NESW	
112	South Fork Falls Creek	Falls Creek	51N	05E	06	NWSE	
113	Unnamed Stream	South Fork Falls Creek	51N	05E	06	NWSE	
114	Unnamed Stream	South Fork Falls Creek	51N	05E	06	NWSE	
115	Unnamed Stream	South Fork Falls Creek	51N	05E	06	NWSW	
116	Unnamed Stream	South Fork Falls Creek	51N	05E	06	NWSW	
117	Unnamed Stream	South Fork Falls Creek	51N	05E	06	SESW	
118	Unnamed Stream	South Fork Falls Creek	51N	05E	06	SWNW	
119	Unnamed Stream	South Fork Falls Creek	51N	05E	06	SWSE	
120	Unnamed Stream	South Fork Falls Creek	51N	05E	06	SWSE	
121	Unnamed Stream	South Fork Falls Creek	51N	05E	06	SWSE	
122	Unnamed Stream	South Fork Falls Creek	51N	05E	06	SWSW	
123	South Fork Falls Creek	Falls Creek	51N	05E	07		
124	Unnamed Stream	South Fork Falls Creek	51N	05E	07		
125	Unnamed Stream	Falls Creek	52N	04E	24		
126	Unnamed Stream	Falls Creek	52N	04E	25		
127	Unnamed Stream	Falls Creek	52N	04E	25		
128	Unnamed Stream	Falls Creek	52N	04E	25		
129	Unnamed Stream	Falls Creek	52N	04E	25		
130	Hulliman Creek	Falls Creek	52N	04E	26		
131	Hulliman Creek	Falls Creek	52N	04E	35	NENE	
132	Hulliman Creek	Falls Creek	52N	04E	35	NESE	
133	Unnamed Stream	Falls Creek	52N	04E	35	NESE	
134	Hulliman Creek	Falls Creek	52N	04E	35	NWNE	
135	Hulliman Creek	Falls Creek	52N	04E	35	NWSE	
136	Unnamed Stream	Falls Creek	52N	04E	35	NWSW	
137	Unnamed Stream	Falls Creek	52N	04E	35	SENE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
138	Hulliman Creek	Falls Creek	52N	04E	35	SWNE	
139	Unnamed Stream	Falls Creek	52N	04E	35	SWNW	
140	Falls Creek	Shoshone Creek	52N	04E	35	SWSE	
141	Unnamed Stream	Falls Creek	52N	04E	35	SWSW	
142	Falls Creek	Shoshone Creek	52N	04E	36		
143	Unnamed Stream	Falls Creek	52N	04E	36		
144	Unnamed Stream	Falls Creek	52N	04E	36		
145	Unnamed Stream	Falls Creek	52N	04E	36		
146	Unnamed Stream	Falls Creek	52N	04E	36		
147	Unnamed Stream	Falls Creek	52N	05E	29		
148	Unnamed Stream	Falls Creek	52N	05E	30		
149	Unnamed Stream	Falls Creek	52N	05E	30		
150	Unnamed Stream	Falls Creek	52N	05E	30		
151	Unnamed Stream	Falls Creek	52N	05E	30		
152	Unnamed Stream	Falls Creek	52N	05E	31	NENW	
153	Unnamed Stream	Falls Creek	52N	05E	31	NWNE	
154	Unnamed Stream	Falls Creek	52N	05E	31	NWNW	
155	Unnamed Stream	Falls Creek	52N	05E	31	NWNW	
156	Falls Creek	Shoshone Creek	52N	05E	31	NWSW	
157	South Fork Falls Creek	Falls Creek	52N	05E	31	NWSW	
158	Unnamed Stream	Falls Creek	52N	05E	31	NWSW	
159	Unnamed Stream	South Fork Falls Creek	52N	05E	31	SENE	
160	South Fork Falls Creek	Falls Creek	52N	05E	31	SESW	
161	Unnamed Stream	South Fork Falls Creek	52N	05E	31	SESW	
162	Unnamed Stream	Falls Creek	52N	05E	31	SWNW	
163	South Fork Falls Creek	Falls Creek	52N	05E	31	SWSE	
164	Unnamed Stream	South Fork Falls Creek	52N	05E	31	SWSE	
165	Unnamed Stream	South Fork Falls Creek	52N	05E	32		
166	Unnamed Stream	South Fork Falls Creek	52N	05E	32		

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

