

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. 94-09556C

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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 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: 01/03/1929

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.

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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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Falls Creek	Shoshone Creek	51N	04E	2	NENW	L 3
3	Snow Creek	Falls Creek	51N	04E	2	NESW	
4	Cascade Creek	Falls Creek	51N	04E	2	NWNE	L 2
5	Falls Creek	Shoshone Creek	51N	04E	2	NWNE	L 2
6	Falls Creek	Shoshone Creek	51N	04E	2	NWNW	L 4
7	Snow Creek	Falls Creek	51N	04E	2	NWNW	L 4
8	Unnamed Stream	Falls Creek	51N	04E	2	NWNW	L 4
9	Snow Creek	Falls Creek	51N	04E	2	SENE	
10	Snow Creek	Falls Creek	51N	04E	2	SWNW	
11	Falls Creek	Shoshone Creek	51N	04E	3	NENE	L 1
12	Unnamed Stream	Falls Creek	51N	04E	3	NESE	
13	Falls Creek	Shoshone Creek	51N	04E	3	NESW	
14	Falls Creek	Shoshone Creek	51N	04E	3	NWSW	
15	Falls Creek	Shoshone Creek	51N	04E	3	SENE	
16	Unnamed Stream	Falls Creek	51N	04E	3	SENE	
17	Falls Creek	Shoshone Creek	51N	04E	3	SENE	
18	Unnamed Stream	Falls Creek	51N	04E	3	SENE	
19	Unnamed Stream	Falls Creek	51N	04E	3	SESE	
20	Falls Creek	Shoshone Creek	51N	04E	3	SWNE	
21	Unnamed Stream	Falls Creek	51N	04E	3	SWNE	
22	Unnamed Stream	Falls Creek	51N	04E	3	SWNW	
23	North Fork Haystack Creek	Haystack Creek	51N	04E	15	NENW	
24	Unnamed Stream	North Fork Haystack Creek	51N	04E	15	NENW	
25	Haystack Creek	Shoshone Creek	51N	04E	15	NESE	
26	Haystack Creek	Shoshone Creek	51N	04E	15	NESW	
27	Unnamed Stream	Haystack Creek	51N	04E	15	NWNW	
28	Haystack Creek	Shoshone Creek	51N	04E	15	NWSE	
29	Haystack Creek	Shoshone Creek	51N	04E	15	SENE	
30	Haystack Creek	Shoshone Creek	51N	04E	15	SENE	
31	North Fork Haystack Creek	Haystack Creek	51N	04E	15	SENE	
32	Unnamed Stream	North Fork Haystack Creek	51N	04E	15	SENE	
33	Unnamed Stream	North Fork Haystack Creek	51N	04E	15	SWNE	
34	Haystack Creek	Shoshone Creek	51N	04E	15	SWNW	
35	North Fork Haystack Creek	Haystack Creek	51N	04E	15	SWNW	
36	South Fork Falls Creek	Falls Creek	51N	05E	6	NESE	
37	Unnamed Stream	South Fork Falls Creek	51N	05E	6	NESE	
38	South Fork Falls Creek	Falls Creek	51N	05E	6	NWNE	L 2
39	Unnamed Stream	South Fork Falls Creek	51N	05E	6	SENE	
40	Unnamed Stream	South Fork Falls Creek	51N	05E	6	SENE	
41	Unnamed Stream	South Fork Falls Creek	51N	05E	6	SENE	
42	South Fork Falls Creek	Falls Creek	51N	05E	6	SESE	
43	South Fork Falls Creek	Falls Creek	51N	05E	6	SWNE	
44	Unnamed Stream	South Fork Falls Creek	51N	05E	6	SWNE	
45	Unnamed Stream	South Fork Falls Creek	51N	05E	6	SWNE	
46	Unnamed Stream	South Fork Falls Creek	51N	05E	6	SWNE	
47	Unnamed Stream	Falls Creek	52N	04E	34		
48	Falls Creek	Shoshone Creek	52N	04E	35	SESE	
49	Hulliman Creek	Falls Creek	52N	04E	35	SESE	
50	Unnamed Stream	South Fork Falls Creek	52N	05E	31	NESE	
51	South Fork Falls Creek	Falls Creek	52N	05E	31	NESW	
52	Unnamed Stream	South Fork Falls Creek	52N	05E	31	NESW	
53	Unnamed Stream	South Fork Falls Creek	52N	05E	31	NWSE	
54	Unnamed Stream	South Fork Falls Creek	52N	05E	31	SESE	

## 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

