

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. 94-09557B

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 Flat Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC12 170103010401).

QUANTITY: 1.000 CFS
50.20 AFY

The quantity under this water right is limited to up to 50.20 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. 94-09557A, 94-09557B, 94-09601 and 94-09603 are limited to a total combined annual diversion volume of 50.20 acre feet.

PRIORITY DATE: 02/15/1989

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 50.20 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 Flat Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC12 170103010401), Lower Tepee Creek subwatershed (HUC12 170103010204), Upper Tepee Creek subwatershed (HUC12 170103010201), Cataract Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010104), Upper Shoshone Creek subwatershed (HUC12 170103010301), Jordan Creek subwatershed (HUC12 170103010103), Yellow Dog Creek- North Fork Coeur d'Alene River subwatershed (HUC12 170103010403) and Steamboat Creek subwatershed (HUC12 170103010703).

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	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	NESW	
003	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	NESW	L 7
004	Flat Creek	North Fork Coeur d'Alene River	51N	03E	03	NWNW	
005	Flat Creek	North Fork Coeur d'Alene River	51N	03E	03	NWNW	L 4
006	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	NWNW	L 4
007	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SESW	L 6
008	Unnamed Stream	North Fork Coeur d'Alene River	51N	03E	03	SESW	L 6
009	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SESW	
010	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SESW	L 10
011	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SESW	L 9
012	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SWNW	
013	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SWNW	L 6
014	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SWSW	
015	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	03	SWSW	L 9
016	Flat Creek	North Fork Coeur d'Alene River	51N	03E	04	SENE	
017	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	09	NENE	L 2
018	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	09	NESE	
019	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	09	NESE	L 4
020	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	09	NESE	L 5
021	Unnamed Stream	North Fork Coeur d'Alene River	51N	03E	09	NESE	L 5
022	Unnamed Stream	North Fork Coeur d'Alene River	51N	03E	09	NESE	L 5
023	Unnamed Stream	North Fork Coeur d'Alene River	51N	03E	09	NESE	L 5
024	Unnamed Stream	North Fork Coeur d'Alene River	51N	03E	09	NESE	L 5
025	Unnamed Stream	Flat Creek	51N	03E	09	NESW	
026	Unnamed Stream	Flat Creek	51N	03E	09	NWSE	
027	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	09	SENE	
028	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	09	SENE	L 3
029	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	10	NENW	
030	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	10	NENW	L 1
031	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	10	NENW	L 2

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

