

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. 94-09558A

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 Lost Creek subwatershed (HUC12 170103010402).

QUANTITY: 1.000 CFS
24.20 AFY

The quantity under this water right is limited to up to 24.20 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. 94-09558A and 94-09558B are limited to a total combined annual diversion volume of 24.20 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 24.20 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 Lost Creek subwatershed (HUC12 170103010402), Lower Shoshone Creek (HUC12 170103010302), Yellow Dog Creek-North Fork Coeur d'Alene River (HUC12 170103010403), Eagle Creek (HUC12 170103010501) and Upper Trout Creek (HUC12 170102131001).

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	East Fork Lost Creek	Lost Creek	50N	04E	01		
003	Unnamed Stream	East Fork Lost Creek	50N	04E	01		
004	Unnamed Stream	East Fork Lost Creek	50N	04E	01		
005	Unnamed Stream	East Fork Lost Creek	50N	04E	01		
006	Unnamed Stream	East Fork Lost Creek	50N	04E	01		
007	East Fork Lost Creek	Lost Creek	50N	04E	02		
008	Unnamed Stream	East Fork Lost Creek	50N	04E	02		
009	Unnamed Stream	East Fork Lost Creek	50N	04E	02		
010	Unnamed Stream	East Fork Lost Creek	50N	04E	02		
011	Unnamed Stream	East Fork Lost Creek	50N	04E	02		
012	East Fork Lost Creek	Lost Creek	50N	04E	03		
013	Lost Creek	North Fork Coeur d'Alene River	50N	04E	03		
014	Unnamed Stream	Lost Creek	50N	04E	03		
015	Unnamed Stream	Lost Creek	50N	04E	03		
016	Unnamed Stream	Lost Creek	50N	04E	03		
017	Unnamed Stream	Lost Creek	50N	04E	03		
018	Lost Creek	North Fork Coeur d'Alene River	50N	04E	04		
019	Unnamed Stream	Lost Creek	50N	04E	04		
020	Unnamed Stream	Lost Creek	50N	04E	04		
021	Lost Creek	North Fork Coeur d'Alene River	50N	04E	09		
022	North Fork Coeur d'Alene River	Coeur d'Alene River	50N	04E	09		
023	Unnamed Stream	Lost Creek	50N	04E	09		
024	Unnamed Stream	East Fork Lost Creek	50N	04E	12		
025	Unnamed Stream	Lost Creek	51N	04E	12		
026	Unnamed Stream	Lost Creek	51N	04E	12		
027	Unnamed Stream	Lost Creek	51N	04E	12		
028	Unnamed Stream	Lost Creek	51N	04E	12		
029	Lost Creek	North Fork Coeur d'Alene River	51N	04E	13		
030	Unnamed Stream	Lost Creek	51N	04E	13		
031	Unnamed Stream	Lost Creek	51N	04E	13		
032	Unnamed Stream	Lost Creek	51N	04E	13		
033	Unnamed Stream	Lost Creek	51N	04E	13		
034	Unnamed Stream	Lost Creek	51N	04E	13		
035	Stack Creek	Lost Creek	51N	04E	22		
036	Unnamed Stream	Stack Creek	51N	04E	22		
037	Unnamed Stream	Stack Creek	51N	04E	22		
038	Lost Creek	North Fork Coeur d'Alene River	51N	04E	23		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
039	Unnamed Stream	Lost Creek	51N	04E	23		
040	Unnamed Stream	Lost Creek	51N	04E	23		
041	Unnamed Stream	Lost Creek	51N	04E	23		
042	Unnamed Stream	Stack Creek	51N	04E	23		
043	Lost Creek	North Fork Coeur d'Alene River	51N	04E	24		
044	Unnamed Stream	East Fork Lost Creek	51N	04E	24		
045	Unnamed Stream	East Fork Lost Creek	51N	04E	24		
046	Unnamed Stream	Lost Creek	51N	04E	24		
047	Unnamed Stream	Lost Creek	51N	04E	24		
048	Unnamed Stream	Lost Creek	51N	04E	24		
049	Hat Creek	Lost Creek	51N	04E	25		
050	Unnamed Stream	East Fork Lost Creek	51N	04E	25		
051	Unnamed Stream	East Fork Lost Creek	51N	04E	25		
052	Unnamed Stream	East Fork Lost Creek	51N	04E	25		
053	Unnamed Stream	Hat Creek	51N	04E	25		
054	Unnamed Stream	Hat Creek	51N	04E	25		
055	Lost Creek	North Fork Coeur d'Alene River	51N	04E	26		
056	Unnamed Stream	Hat Creek	51N	04E	26		
057	Unnamed Stream	Lost Creek	51N	04E	26		
058	Unnamed Stream	Stack Creek	51N	04E	26		
059	Lost Creek	North Fork Coeur d'Alene River	51N	04E	27		
060	Stack Creek	Lost Creek	51N	04E	27		
061	Unnamed Stream	Lost Creek	51N	04E	27		
062	Unnamed Stream	Stack Creek	51N	04E	27		
063	Unnamed Stream	Stack Creek	51N	04E	27		
064	Unnamed Stream	Stack Creek	51N	04E	27		
065	Unnamed Stream	Stack Creek	51N	04E	27		
066	Unnamed Stream	Stack Creek	51N	04E	27		
067	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	NENE	
068	Stack Creek	Lost Creek	51N	04E	34	NENE	
069	Unnamed Stream	Lost Creek	51N	04E	34	NENW	
070	Hat Creek	Lost Creek	51N	04E	34	NESE	
071	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	NESE	
072	Unnamed Stream	Lost Creek	51N	04E	34	NESW	
073	Unnamed Stream	Lost Creek	51N	04E	34	NWNW	
074	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	NWSE	
075	Unnamed Stream	Lost Creek	51N	04E	34	NWSE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
076	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SENE	
077	Unnamed Stream	Lost Creek	51N	04E	34	SENW	
078	Hat Creek	Lost Creek	51N	04E	34	SESE	
079	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SESE	
080	Unnamed Stream	Lost Creek	51N	04E	34	SESW	
081	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SWNE	
082	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SWSE	
083	Unnamed Stream	Lost Creek	51N	04E	34	SWSE	
084	Hat Creek	Lost Creek	51N	04E	35		
085	Unnamed Stream	East Fork Lost Creek	51N	04E	35		
086	Unnamed Stream	Hat Creek	51N	04E	35		
087	Unnamed Stream	Hat Creek	51N	04E	35		
088	East Fork Lost Creek	Lost Creek	51N	04E	36		
089	Hat Creek	Lost Creek	51N	04E	36		
090	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
091	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
092	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
093	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
094	Unnamed Stream	Hat Creek	51N	04E	36		
095	Unnamed Stream	Hat Creek	51N	04E	36		
096	Unnamed Stream	Lost Creek	51N	05E	07		
097	Unnamed Stream	Lost Creek	51N	05E	07		
098	Lost Creek	North Fork Coeur d'Alene River	51N	05E	08		
099	Lost Creek	North Fork Coeur d'Alene River	51N	05E	17		
100	Unnamed Stream	Lost Creek	51N	05E	17		
101	Unnamed Stream	Lost Creek	51N	05E	17		
102	Unnamed Stream	Lost Creek	51N	05E	17		
103	Lost Creek	North Fork Coeur d'Alene River	51N	05E	18		
104	Unnamed Stream	Lost Creek	51N	05E	18		
105	Unnamed Stream	Lost Creek	51N	05E	18		
106	Unnamed Stream	Lost Creek	51N	05E	18		
107	Unnamed Stream	Lost Creek	51N	05E	18		
108	Unnamed Stream	Lost Creek	51N	05E	18		
109	Unnamed Stream	Lost Creek	51N	05E	18		
110	Unnamed Stream	Lost Creek	51N	05E	18		
111	Unnamed Stream	Lost Creek	51N	05E	18		
112	Unnamed Stream	Lost Creek	51N	05E	18		

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	East Fork Lost Creek	51N	05E	19		
114	Unnamed Stream	East Fork Lost Creek	51N	05E	19		
115	Unnamed Stream	East Fork Lost Creek	51N	05E	19		
116	Unnamed Stream	East Fork Lost Creek	51N	05E	19		
117	Unnamed Stream	Lost Creek	51N	05E	19		
118	Unnamed Stream	Lost Creek	51N	05E	19		
119	East Fork Lost Creek	Lost Creek	51N	05E	20		
120	Unnamed Stream	East Fork Lost Creek	51N	05E	20		
121	Unnamed Stream	East Fork Lost Creek	51N	05E	20		
122	Unnamed Stream	East Fork Lost Creek	51N	05E	20		
123	Unnamed Stream	East Fork Lost Creek	51N	05E	21		
124	Unnamed Stream	East Fork Lost Creek	51N	05E	28		
125	Unnamed Stream	East Fork Lost Creek	51N	05E	28		
126	Unnamed Stream	East Fork Lost Creek	51N	05E	28		
127	East Fork Lost Creek	Lost Creek	51N	05E	29		
128	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
129	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
130	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
131	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
132	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
133	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
134	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
135	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
136	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
137	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
138	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
139	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
140	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
141	East Fork Lost Creek	Lost Creek	51N	05E	30		
142	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
143	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
144	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
145	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
146	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
147	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
148	East Fork Lost Creek	Lost Creek	51N	05E	31		
149	Unnamed Stream	East Fork Lost Creek	51N	05E	31		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
150	Unnamed Stream	East Fork Lost Creek	51N	05E	31		
151	Unnamed Stream	East Fork Lost Creek	51N	05E	31		
152	Unnamed Stream	East Fork Lost Creek	51N	05E	31		
153	Unnamed Stream	East Fork Lost Creek	51N	05E	32		
154	Unnamed Stream	East Fork Lost Creek	51N	05E	32		
155	Unnamed Stream	East Fork Lost Creek	51N	05E	32		
156	Unnamed Stream	East Fork Lost Creek	51N	05E	33		
157	Unnamed Spring	East Fork Lost Creek	50N	04E	12	NWNW	

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

