

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. 94-09559C

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 Yellow Dog Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC12 170103010403).

QUANTITY: 1.000 CFS
48.90 AFY

The quantity under this water right is limited to up to 48.90 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. 94-09559A, 94-09559B, 94-09559C, 94-09559D, 94-09559E, 94-09559F, 94-09559G, 94-09559H, 94-09599, 94-09600 and 94-09604 are limited to a total combined annual diversion volume of 48.90 acre feet.

PRIORITY DATE: 06/14/1937

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 48.90 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 Yellow Dog Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Steamboat Creek subwatershed (HUC12 170103010703), Flat Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC 12 170103010401), Upper Shoshone Creek subwatershed (HUC12 170103010301), Lower Shoshone Creek subwatershed (HUC12 170103010302), Lost Creek subwatershed (HUC12 170103010402), Eagle Creek subwatershed (HUC12 170103010501), Butte Gulch-Prichard Creek subwatershed (HUC12 170103010502) and Graham Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12170103010702).

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 |
|----|--------------------------------|--------------------------------|----------|-------|---------|------|------------------------|
| 1 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 2 | North Fork Coeur d'Alene River | Coeur d'Alene River | 51N | 03E | 11 | SESE | L 6 |
| 3 | Downey Creek | North Fork Coeur d'Alene River | 51N | 03E | 11 | SWSE | |
| 4 | Downey Creek | North Fork Coeur d'Alene River | 51N | 03E | 11 | SWSE | L 6 |
| 5 | North Fork Coeur d'Alene River | Coeur d'Alene River | 51N | 03E | 11 | SWSE | |
| 6 | North Fork Coeur d'Alene River | Coeur d'Alene River | 51N | 03E | 11 | SWSE | L 2 |
| 7 | North Fork Coeur d'Alene River | Coeur d'Alene River | 51N | 03E | 11 | SWSE | L 6 |
| 8 | Tourist Creek | North Fork Coeur d'Alene River | 51N | 03E | 11 | SWSE | |
| 9 | Tourist Creek | North Fork Coeur d'Alene River | 51N | 03E | 11 | SWSE | L 2 |
| 10 | Morris Creek | North Fork Coeur d'Alene River | 51N | 03E | 14 | NENE | L 1 |
| 11 | North Fork Coeur d'Alene River | Coeur d'Alene River | 51N | 03E | 14 | NENE | |
| 12 | North Fork Coeur d'Alene River | Coeur d'Alene River | 51N | 03E | 14 | NENE | L 1 |
| 13 | North Fork Coeur d'Alene River | Coeur d'Alene River | 51N | 03E | 14 | NENE | L 2 |
| 14 | Beetle Creek | North Fork Coeur d'Alene River | 51N | 03E | 15 | NENW | |
| 15 | Unnamed Stream | Yellow Dog Creek | 51N | 03E | 15 | NESW | |
| 16 | Beetle Creek | North Fork Coeur d'Alene River | 51N | 03E | 15 | SENW | |
| 17 | Unnamed Stream | Yellow Dog Creek | 51N | 03E | 15 | SESW | |
| 18 | Yellow Dog Creek | North Fork Coeur d'Alene River | 51N | 03E | 15 | SESW | |
| 19 | Beetle Creek | North Fork Coeur d'Alene River | 51N | 03E | 15 | SWNW | |
| 20 | Yellow Dog Creek | North Fork Coeur d'Alene River | 51N | 03E | 21 | NENW | |
| 21 | Unnamed Stream | West Fork Downey Creek | 51N | 03E | 21 | SWSW | |
| 22 | Unnamed Stream | Yellow Dog Creek | 51N | 03E | 22 | NENW | |
| 23 | Unnamed Stream | Yellow Dog Creek | 51N | 03E | 22 | SENW | |
| 24 | Unnamed Stream | Yellow Dog Creek | 51N | 03E | 22 | SWNW | |
| 25 | Unnamed Stream | Yellow Dog Creek | 51N | 03E | 29 | NWNE | |

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

