

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. 94-09563A

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 Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602).

QUANTITY: 1.000 CFS
31.80 AFY

The quantity under this water right is limited to up to 31.80 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. 94-09563A, 94-09563B, 94-09563C, 94-09563D, 94-09563E, 94-09563F, 94-09563G, 94-09563H, 94-09563I, 94-09563J, 94-09563K, 94-09563L, 94-09563M, 94-09563N, 94-09563O and 94-09596 are limited to a total combined annual diversion volume of 31.80 acre feet per year.

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 31.80 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 Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602), Iron Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010601), Trail Creek subwatershed (HUC12 170103010202), Upper Tepee Creek subwatershed (HUC12 170103010201), Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603), Yellowbanks Creek-Hayden Lake subwatershed (HUC12 170103050102), Fernan Lake subwatershed (HUC12 170103030405) and Wolf Lodge Creek subwatershed (HUC12 170103030302).

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	Unnamed Stream	Cascade Creek	51N	01W	2	NENE	
003	Unnamed Stream	Cascade Creek	51N	01W	2	NENE	
004	Cascade Creek	Little North Fork Coeur d'Alene River	51N	01W	2	NENW	
005	Cascade Creek	Little North Fork Coeur d'Alene River	51N	01W	2	NWNE	
006	Unnamed Stream	Cascade Creek	51N	01W	2	NWNE	
007	Unnamed Stream	Cascade Creek	51N	01W	2	NWNE	
008	Unnamed Stream	Cascade Creek	51N	01W	2	NWNE	
009	Cascade Creek	Little North Fork Coeur d'Alene River	51N	01W	2	NWNW	
010	Unnamed Stream	Cascade Creek	51N	01W	2	SENE	
011	Cascade Creek	Little North Fork Coeur d'Alene River	51N	01W	2	SWNW	
012	Cascade Creek	Little North Fork Coeur d'Alene River	51N	01W	4		
013	Unnamed Stream	Cascade Creek	51N	01W	4		
014	Unnamed Stream	Cascade Creek	51N	01W	4		
015	Unnamed Stream	Walker Creek	51N	01W	4		
016	Unnamed Stream	Walker Creek	51N	01W	4		
017	Walker Creek	Cascade Creek	51N	01W	4		
018	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	5		
019	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	NENW	
020	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	NENW	
021	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	NWNE	
022	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	SENE	
023	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	SENE	
024	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	SWNE	
025	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	SWNE	
026	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	8	SWNE	
027	Unnamed Stream	Cascade Creek	51N	01W	9	NENE	
028	Unnamed Stream	Cascade Creek	51N	01W	9	NENW	
029	Unnamed Stream	Cascade Creek	51N	01W	9	NENW	
030	Unnamed Stream	Cascade Creek	51N	01W	9	NESE	
031	Cascade Creek	Little North Fork Coeur d'Alene River	51N	01W	9	NWNE	
032	Unnamed Stream	Cascade Creek	51N	01W	9	NWNE	
033	Unnamed Stream	Cascade Creek	51N	01W	9	NWNE	
034	Unnamed Stream	Cascade Creek	51N	01W	9	NWNE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
035	Unnamed Stream	Cascade Creek	51N	01W	9	NWNW	
036	Unnamed Stream	Cascade Creek	51N	01W	9	NWSE	
037	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	9	NWSW	
038	Cascade Creek	Little North Fork Coeur d'Alene River	51N	01W	9	SWNE	
039	Unnamed Stream	Picnic Creek	51N	01W	10	NESW	
040	Unnamed Stream	Cascade Creek	51N	01W	10	NWNW	
041	Unnamed Stream	Picnic Creek	51N	01W	10	SENE	
042	Unnamed Stream	Picnic Creek	51N	01W	10	SENE	
043	Unnamed Stream	Picnic Creek	51N	01W	10	SESW	
044	Unnamed Stream	Picnic Creek	51N	01W	10	SWNE	
045	Unnamed Stream	Picnic Creek	51N	01W	10	SWNE	
046	Unnamed Stream	Cascade Creek	51N	01W	10	SWNW	
047	Unnamed Stream	Picnic Creek	51N	01W	12	NENE	
048	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	12	NENW	
049	Unnamed Stream	Picnic Creek	51N	01W	12	NENW	
050	Unnamed Stream	Picnic Creek	51N	01W	12	NENW	
051	Unnamed Stream	Picnic Creek	51N	01W	12	NWNE	
052	Unnamed Stream	Picnic Creek	51N	01W	12	NWSE	
053	Unnamed Stream	Picnic Creek	51N	01W	12	SENE	
054	Unnamed Stream	Picnic Creek	51N	01W	12	SWNE	
055	Unnamed Stream	Picnic Creek	51N	01W	12	SWSW	
056	Unnamed Stream	Picnic Creek	51N	01W	14		
057	Unnamed Stream	Unnamed Stream	51N	01W	14		
058	Unnamed Stream	Picnic Creek	51N	01W	14		
059	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	16	NESE	
060	Thiesen Creek	Picnic Creek	51N	01W	16	NESE	
061	Unnamed Stream	Picnic Creek	51N	01W	16	NWNE	
062	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	16	NWSE	
063	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	16	NWSE	
064	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	16	NWSE	
065	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	16	NWSE	
066	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	16	SENE	
067	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	16	SWNE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
068	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	16	SWNE	
069	Unnamed Stream	Picnic Creek	51N	01W	16	SWNE	
070	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	16	SWSE	
071	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	16	SWSE	
072	Half Mile Creek	Burnt Cabin Creek	51N	01W	17	NENW	
073	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	17	NESE	
074	George Creek	Burnt Cabin Creek	51N	01W	17	NWSW	
075	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	17	SESE	
076	George Creek	Burnt Cabin Creek	51N	01W	17	SESW	
077	George Creek	Burnt Cabin Creek	51N	01W	17	SWSW	
078	George Creek	Burnt Cabin Creek	51N	01W	18	NESE	
079	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	01W	18	NESW	
080	Lone Cabin Creek	Burnt Cabin Creek	51N	01W	18	NESW	
081	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	01W	18	NWSE	
082	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	01W	18	NWSW	L 3
083	Lone Cabin Creek	Burnt Cabin Creek	51N	01W	18	SESW	
084	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	01W	18	SWNE	
085	George Creek	Burnt Cabin Creek	51N	01W	18	SWNE	
086	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	01W	18	SWNW	L 2
087	Lone Cabin Creek	Burnt Cabin Creek	51N	01W	19		
088	Unnamed Stream	Haynes Creek	51N	01W	19		
089	Unnamed Stream	Lone Cabin Creek	51N	01W	19		
090	Unnamed Stream	Lone Cabin Creek	51N	01W	19		
091	George Creek	Burnt Cabin Creek	51N	01W	20	NENW	
092	Unnamed Stream	Unnamed Stream	51N	01W	20	NESW	
093	George Creek	Burnt Cabin Creek	51N	01W	20	NWNE	
094	Unnamed Stream	Unnamed Stream	51N	01W	20	NWSW	
095	George Creek	Burnt Cabin Creek	51N	01W	20	SWNE	
096	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	21	NWNE	
097	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	21	NWNW	
098	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	21	NWSE	
099	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	21	SWNE	
100	Unnamed Stream	Thiesen Creek	51N	01W	22		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
101	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	28	NENW	
102	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	28	NWNW	
103	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	28	NWNW	
104	Deception Creek	Little North Fork Coeur d'Alene River	51N	01W	28	NWSW	
105	Sands Creek	Deception Creek	51N	01W	28	NWSW	
106	Little North Fork Coeur d'Alene River	Little North Fork Coeur d'Alene River	51N	01W	28	SWNW	
107	Sands Creek	Deception Creek	51N	01W	28	SWSW	
108	Ames Creek	Deception Creek	51N	01W	29		
109	Deception Creek	Little North Fork Coeur d'Alene River	51N	01W	29		
110	Demorest Creek	Deception Creek	51N	01W	29		
111	Hoodoo Creek	Deception Creek	51N	01W	29		
112	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	29		
113	Deception Creek	Little North Fork Coeur d'Alene River	51N	01W	30		
114	Haynes Creek	Deception Creek	51N	01W	30		
115	Haynes Creek	Picnic Creek	51N	01W	30		
116	Miller Creek	Deception Creek	51N	01W	30		
117	Montford Creek	Deception Creek	51N	01W	30		
118	Tripple Cross Creek	Deception Creek	51N	01W	30		
119	Unnamed Stream	Haynes Creek	51N	01W	30		
120	Montford Creek	Deception Creek	51N	01W	31		
121	Sands Creek	Deception Creek	51N	01W	31		
122	Unnamed Stream	Montford Creek	51N	01W	31		
123	Ames Creek	Deception Creek	51N	01W	32	NWNE	
124	Sands Creek	Deception Creek	51N	01W	32	NWSW	
125	Sands Creek	Deception Creek	51N	01W	32	SENE	
126	Sands Creek	Deception Creek	51N	01W	32	SWNW	
127	Unnamed Stream	Bottom Creek	51N	02W	10		
128	Bottom Creek	Burnt Cabin Creek	51N	02W	11		
129	Unnamed Stream	Bottom Creek	51N	02W	11		
130	Unnamed Stream	Bottom Creek	51N	02W	11		
131	Unnamed Stream	Bottom Creek	51N	02W	11		
132	Unnamed Stream	Bottom Creek	51N	02W	11		
133	Bottom Creek	Burnt Cabin Creek	51N	02W	12		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
134	Unnamed Stream	Bottom Creek	51N	02W	12		
135	Unnamed Stream	Burnt Cabin Creek	51N	02W	12		
136	Bottom Creek	Burnt Cabin Creek	51N	02W	13		
137	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	02W	13		
138	Unnamed Stream	Bottom Creek	51N	02W	13		
139	Unnamed Stream	Burnt Cabin Creek	51N	02W	13		
140	Unnamed Stream	Burnt Cabin Creek	51N	02W	13		
141	Unnamed Stream	Burnt Cabin Creek	51N	02W	13		
142	Unnamed Stream	Bottom Creek	51N	02W	14		
143	Unnamed Stream	Burnt Cabin Creek	51N	02W	14		
144	Unnamed Stream	Burnt Cabin Creek	51N	02W	14		
145	Unnamed Stream	Burnt Cabin Creek	51N	02W	14		
146	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	02W	15		
147	Lost Mine Creek	Burnt Cabin Creek	51N	02W	15		
148	Unnamed Stream	Burnt Cabin Creek	51N	02W	15		
149	Unnamed Stream	Lost Mine Creek	51N	02W	15		
150	Unnamed Stream	Lost Mine Creek	51N	02W	15		
151	Unnamed Stream	Lost Mine Creek	51N	02W	16		
152	Unnamed Stream	Lost Mine Creek	51N	02W	16		
153	Lost Mine Creek	Burnt Cabin Creek	51N	02W	21		
154	Unnamed Stream	Lost Mine Creek	51N	02W	21		
155	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	02W	22		
156	Lost Mine Creek	Burnt Cabin Creek	51N	02W	22		
157	Unnamed Stream	Burnt Cabin Creek	51N	02W	22		
158	Unnamed Stream	Lost Mine Creek	51N	02W	22		
159	Unnamed Stream	Lost Mine Creek	51N	02W	22		
160	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	02W	23		
161	Lone Cabin Creek	Burnt Cabin Creek	51N	02W	23		
162	Unnamed Stream	Burnt Cabin Creek	51N	02W	23		
163	Unnamed Stream	Burnt Cabin Creek	51N	02W	23		
164	Unnamed Stream	Burnt Cabin Creek	51N	02W	23		
165	Unnamed Stream	Burnt Cabin Creek	51N	02W	23		
166	Unnamed Stream	Burnt Cabin Creek	51N	02W	23		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
167	Burnt Cabin Creek	Little North Fork Coeur d'Alene River	51N	02W	24		
168	Lone Cabin Creek	Burnt Cabin Creek	51N	02W	24		
169	Unnamed Stream	Lone Cabin Creek	51N	02W	24		
170	Blue Rock Creek	Deception Creek	51N	02W	25		
171	Deception Creek	Little North Fork Coeur d'Alene River	51N	02W	25		
172	Unnamed Stream	Deception Creek	51N	02W	25		
173	Deception Creek	Little North Fork Coeur d'Alene River	51N	02W	26		
174	Walker Creek	Cascade Creek	52N	01W	33		
175	Unnamed Stream	Cascade Creek	52N	01W	34		
176	Unnamed Stream	Walker Creek	52N	01W	34		
177	Walker Creek	Cascade Creek	52N	01W	34		
178	Cascade Creek	Little North Fork Coeur d'Alene River	52N	01W	35		
179	Unnamed Stream	Cascade Creek	52N	01W	35		
180	Unnamed Stream	Cascade Creek	52N	01W	35		
181	Unnamed Stream	Cascade Creek	52N	01W	35		
182	Unnamed Stream	Cascade Creek	52N	01W	36		
183	Unnamed Spring	Sinks	51N	01W	16	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

Burnt Cabin Creek-Little North Fork Coeur d'Alene River Place of Use

