

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. 94-09563H

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: 09/04/1940

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
002	Unnamed Stream	Picnic Creek	51N	01W	01	NESW	
003	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	01	SESW	
004	Unnamed Stream	Picnic Creek	51N	01W	01	SESW	
005	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	01	SWSE	
006	Unnamed Stream	Picnic Creek	51N	01W	02	SESE	
007	Unnamed Stream	Picnic Creek	51N	01W	10	NESE	
008	Unnamed Stream	Picnic Creek	51N	01W	10	NESE	
009	Unnamed Stream	Picnic Creek	51N	01W	10	NWSE	
010	Unnamed Stream	Picnic Creek	51N	01W	10	SESE	
011	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	10	SESE	
012	Unnamed Stream	Picnic Creek	51N	01W	10	SESE	
013	Unnamed Stream	Picnic Creek	51N	01W	10	SESE	
014	Unnamed Stream	Picnic Creek	51N	01W	10	SESE	
015	Unnamed Stream	Picnic Creek	51N	01W	10	SESE	
016	Unnamed Stream	Picnic Creek	51N	01W	10	SWSE	
017	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	10	SWSE	
018	Unnamed Stream	Picnic Creek	51N	01W	10	SWSE	
019	Unnamed Stream	Picnic Creek	51N	01W	10	SWSE	
020	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	11		
021	Unnamed Stream	Picnic Creek	51N	01W	11		
022	Unnamed Stream	Picnic Creek	51N	01W	11		
023	Unnamed Stream	Picnic Creek	51N	01W	11		
024	Unnamed Stream	Picnic Creek	51N	01W	11		
025	Unnamed Stream	Picnic Creek	51N	01W	12	NESW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND
026	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	12	SEnw	
027	Unnamed Stream	Picnic Creek	51N	01W	12	SEnw	
028	Unnamed Stream	Picnic Creek	51N	01W	12	SEnw	
029	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	12	SWNW	
030	Unnamed Stream	Picnic Creek	51N	01W	12	SWNW	
031	Unnamed Stream	Picnic Creek	51N	01W	12	SWNW	
032	Unnamed Stream	Picnic Creek	51N	01W	12	SWNW	
033	Unnamed Stream	Picnic Creek	51N	01W	15	NENE	
034	Unnamed Stream	Unnamed Stream	51N	01W	15	NENE	
035	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	15	NENw	
036	Thiesen Creek	Picnic Creek	51N	01W	15	NESw	
037	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	15	NWNE	
038	Unnamed Stream	Picnic Creek	51N	01W	15	NWNE	
039	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	15	NWNw	
040	Thiesen Creek	Picnic Creek	51N	01W	15	NWSE	
041	Thiesen Creek	Picnic Creek	51N	01W	15	NWSw	
042	Unnamed Stream	Thiesen Creek	51N	01W	15	NWSw	
043	Unnamed Stream	Unnamed Stream	51N	01W	15	SENE	
044	Unnamed Stream	Thiesen Creek	51N	01W	15	SESw	
045	Picnic Creek	Little North Fork Coeur d'Alene River	51N	01W	15	SWNW	
046	Demorest Creek	Deception Creek	51N	01W	20	NWSE	
047	Demorest Creek	Deception Creek	51N	01W	20	SWSE	

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

