

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. 94-09564C

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 Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603).

QUANTITY: 1.000 CFS
38.90 AFY

The quantity under this water right is limited to up to 38.90 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. 94-09564A, 94-09564B, 94-09564C, 94-09564D, 94-09564E, 94-09564F, 94-09564G, 94-09564H, 94-09564I, 94-09564J, 94-09564K, 94-09564L, 94-09564M and 94-09564N are limited to a total combined annual diversion volume of 38.90 acre feet.

PRIORITY DATE: 01/03/1929

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 38.90 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 Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603), Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602), Upper Tepee Creek subwatershed (HUC12 170103010201), Cougar Gulch subwatershed (HUC12 170103010704), Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604) 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	Early Creek	Skookum Creek	50N	01W	03		
003	Skookum Creek	Little North Fork Coeur d'Alene River	50N	01W	03		
004	Unnamed Stream	Skookum Creek	50N	01W	03		
005	Unnamed Stream	Skookum Creek	50N	01W	03		
006	Unnamed Stream	Skookum Creek	50N	01W	03		
007	Unnamed Stream	Skookum Creek	50N	01W	03		
008	Unnamed Stream	Skookum Creek	50N	01W	03		
009	Unnamed Stream	Skookum Creek	50N	01W	03		
010	Early Creek	Skookum Creek	50N	01W	04	NENE	L 1
011	McMahon Creek	Skookum Creek	50N	01W	04	NWNE	L 2
012	Unnamed Stream	McMahon Creek	50N	01W	04	NWNE	L 2
013	Early Creek	Skookum Creek	50N	01W	04	SENE	
014	Unnamed Stream	Early Creek	50N	01W	04	SENE	
015	Early Creek	Skookum Creek	50N	01W	04	SWNE	
016	McMahon Creek	Skookum Creek	50N	01W	04	SWNE	
017	Knight Creek	Skookum Creek	50N	01W	05	NENE	L 1
018	Unnamed Stream	Knight Creek	50N	01W	05	NWSE	
019	Knight Creek	Skookum Creek	50N	01W	05	SWNE	
020	Unnamed Stream	Knight Creek	50N	01W	05	SWNE	
021	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	28	NESW	
022	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	28	SESE	
023	Unnamed Stream	Skookum Creek	51N	01W	28	SESE	
024	Skookum Creek	Little North Fork Coeur d'Alene River	51N	01W	28	SWSE	
025	Unnamed Stream	Skookum Creek	51N	01W	28	SWSE	
026	Unnamed Stream	McCauley Creek	51N	01W	32	SESE	L 1
027	Unnamed Stream	Skookum Creek	51N	01W	33	NENE	
028	McMahon Creek	Skookum Creek	51N	01W	33	NESE	
029	Skookum Creek	Little North Fork Coeur d'Alene River	51N	01W	33	NESE	
030	Unnamed Stream	Skookum Creek	51N	01W	33	NESE	
031	Knight Creek	Skookum Creek	51N	01W	33	NESW	
032	Skookum Creek	Little North Fork Coeur d'Alene River	51N	01W	33	NWNE	
033	Unnamed Stream	Skookum Creek	51N	01W	33	NWNE	
034	Skookum Creek	Little North Fork Coeur d'Alene River	51N	01W	33	NWSE	

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	Skookum Creek	51N	01W	33	NWSE	
036	Knight Creek	Skookum Creek	51N	01W	33	NWSW	
037	Unnamed Stream	McCauley Creek	51N	01W	33	NWSW	
038	McMahon Creek	Skookum Creek	51N	01W	33	SESE	L 1
039	Skookum Creek	Little North Fork Coeur d'Alene River	51N	01W	33	SESE	L 1
040	Unnamed Stream	McMahon Creek	51N	01W	33	SESE	L 1
041	McMahon Creek	Skookum Creek	51N	01W	33	SWSE	L 2
042	Unnamed Stream	McMahon Creek	51N	01W	33	SWSE	L 2
043	Knight Creek	Skookum Creek	51N	01W	33	SWSW	L 4
044	Unnamed Stream	Skookum Creek	51N	01W	34	NWSW	

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

