

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. 94-09564I

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: 06/22/1944

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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Lindberg Creek	Little North Fork Coeur d'Alene River	51N	01W	25	NESW	
3	Lindberg Creek	Little North Fork Coeur d'Alene River	51N	01W	25	NESW	MS 2605
4	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	25	NESW	
5	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	25	NESW	MS 2605
6	Unnamed Stream	Lindberg Creek	51N	01W	25	NESW	
7	Unnamed Stream	Lindberg Creek	51N	01W	25	NESW	MS 2605
8	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	25	NESW	
9	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	25	NWNE	
10	Lindberg Creek	Little North Fork Coeur d'Alene River	51N	01W	25	NWSE	
11	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	25	NWSE	
12	Lindberg Creek	Little North Fork Coeur d'Alene River	51N	01W	25	NWSW	
13	Lindberg Creek	Little North Fork Coeur d'Alene River	51N	01W	25	NWSW	MS 2605
14	Unnamed Stream	Lindberg Creek	51N	01W	25	NWSW	MS 2605
15	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	25	NWSW	MS 2605
16	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	25	SENE	
17	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	25	SENE	
18	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	25	SESE	
19	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	25	SESE	
20	Unnamed Stream	Little North Fork Coeur d'Alene River	51N	01W	25	SWNE	
21	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	25	SWSE	
22	Lindberg Creek	Little North Fork Coeur d'Alene River	51N	01W	25	SWSW	
23	Bootjack Creek	Little North Fork Coeur d'Alene River	51N	01W	26	NENE	
24	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	26	NENW	
25	Delaney Creek	Little North Fork Coeur d'Alene River	51N	01W	26	NESW	
26	Bootjack Creek	Little North Fork Coeur d'Alene River	51N	01W	26	NWNE	
27	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	26	NWNE	
28	Trestle Creek	Little North Fork Coeur d'Alene River	51N	01W	26	NWNE	
29	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	26	NWNW	
30	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	26	SENE	

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
31	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	26	SENE	MS 2605
32	Delaney Creek	Little North Fork Coeur d'Alene River	51N	01W	26	SENE	
33	Delaney Creek	Little North Fork Coeur d'Alene River	51N	01W	26	SESW	
34	Delaney Creek	Little North Fork Coeur d'Alene River	51N	01W	26	SWNE	
35	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	26	SWNE	
36	Lavoie Creek	Little North Fork Coeur d'Alene River	51N	01W	27		
37	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	51N	01W	27		

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

