

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. 94-09565J

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 Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604).

QUANTITY: 1.000 CFS
54.00 AFY

The quantity under this water right is limited to up to 54.00 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. 94-09565A, 94-09565B, 94-09565C, 94-09565D, 94-09565E, 94-09565F, 94-09565G, 94-09565H, 94-09565I, 94-09565J, 94-09565K, 94-09565L, 94-09565M, 94-09565N, 94-09565O, 94-09565P, 94-09565Q, 94-09565R, 94-09565S, 94-09565T, 94-09565U, 94-09565V, 94-09565W, 94-09565X, 94-09565Y, 94-09598 and 94-09602 are limited to a total combined annual diversion volume of 54.00 acre feet per year.

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 54.00 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 Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604), Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603), Cougar Gulch subwatershed (HUC12 170103010704), Thomas Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010705), Rose Creek-Coeur d'Alene River subwatershed (HUC12 170103030103), Fourth of July Creek subwatershed (HUC12 170103030102) 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	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	05		
003	Owl Creek	Little North Fork Coeur d'Alene River	49N	01E	05		
004	Unnamed Stream	Owl Creek	49N	01E	05		
005	Unnamed Stream	Owl Creek	49N	01E	05		
006	Unnamed Stream	Owl Creek	49N	01E	05		
007	Unnamed Stream	Owl Creek	49N	01E	05		
008	Unnamed Stream	Owl Creek	49N	01E	06	NENE	L 1
009	Unnamed Stream	Owl Creek	49N	01E	06	SENE	
010	Unnamed Stream	Owl Creek	49N	01E	06	SENE	
011	Owl Creek	Little North Fork Coeur d'Alene River	49N	01E	07		
012	Unnamed Stream	Owl Creek	49N	01E	07		
013	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	06	NENW	L 3
014	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	06	NWNE	L 2
015	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	06	SENW	
016	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	06	SWNW	L 5
017	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	02E	07		
018	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	17		
019	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
020	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
021	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
022	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
023	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
024	Unnamed Stream	Copper Creek	50N	01E	19	NENW	
025	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NENW	
026	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	19	NESE	
027	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NESE	
028	Unnamed Stream	Copper Creek	50N	01E	19	NESW	
029	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NWNE	
030	Homer Creek	Mineral Creek	50N	01E	19	NWNW	L 1
031	Unnamed Stream	Copper Creek	50N	01E	19	NWNW	L 1
032	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NWSE	
033	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	19	SENE	
034	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SENE	

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	Copper Creek	50N	01E	19	SENW	
036	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SENW	
037	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SESE	
038	Unnamed Stream	Copper Creek	50N	01E	19	SESW	
039	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SWNE	
040	Homer Creek	Mineral Creek	50N	01E	19	SWNW	L 2
041	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SWSE	
042	Breakwater Creek	Little North Fork Coeur d'Alene River	50N	01E	29		
043	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	29		
044	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	29		
045	Unnamed Stream	Copper Creek	50N	01E	29		
046	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
047	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
048	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
049	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
050	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
051	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
052	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
053	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
054	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
055	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
056	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
057	Unnamed Stream	Copper Creek	50N	01E	30	NENW	
058	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	NESW	
059	Unnamed Stream	Copper Creek	50N	01E	30	NWNW	L 1
060	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	NWSW	L 3
061	Unnamed Stream	Copper Creek	50N	01E	30	NWSW	L 3
062	Unnamed Stream	Copper Creek	50N	01E	30	NWSW	L 3
063	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	SESE	
064	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	SESW	
065	Unnamed Stream	Copper Creek	50N	01E	30	SESW	
066	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	SWNW	L 2
067	Unnamed Stream	Copper Creek	50N	01E	30	SWNW	L 2

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	Copper Creek	50N	01E	30	SWNW	L 2
069	Unnamed Stream	Copper Creek	50N	01E	30	SWSW	L 4
070	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01E	31		
071	Unnamed Stream	Copper Creek	50N	01E	31		
072	Unnamed Stream	Gimlet Creek	50N	01E	31		
073	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	31		
074	Little Tepee Creek	Little North Fork Coeur d'Alene River	50N	01E	33		
075	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	33		
076	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	33		
077	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	33		
078	Homer Creek	Mineral Creek	50N	01W	13		
079	John Creek	Mineral Creek	50N	01W	13		
080	Unnamed Stream	John Creek	50N	01W	13		
081	Unnamed Stream	John Creek	50N	01W	13		
082	Unnamed Stream	John Creek	50N	01W	13		
083	Unnamed Stream	John Creek	50N	01W	13		
084	Unnamed Stream	John Creek	50N	01W	13		
085	Unnamed Stream	John Creek	50N	01W	14	SENE	
086	Unnamed Stream	John Creek	50N	01W	14	SENE	
087	Mineral Creek	Copper Creek	50N	01W	14	SESW	
088	Mineral Creek	Copper Creek	50N	01W	14	SWSE	
089	Fisher Creek	Copper Creek	50N	01W	23		
090	Mineral Creek	Copper Creek	50N	01W	23		
091	Unnamed Stream	Fisher Creek	50N	01W	23		
092	Unnamed Stream	Fisher Creek	50N	01W	23		
093	Unnamed Stream	Mineral Creek	50N	01W	23		
094	Unnamed Stream	Copper Creek	50N	01W	25	NESE	
095	Unnamed Stream	Copper Creek	50N	01W	25	NESE	
096	Unnamed Stream	Copper Creek	50N	01W	25	NWSE	
097	Unnamed Stream	Copper Creek	50N	01W	25	NWSE	
098	Copper Creek	Little North Fork Coeur d'Alene River	50N	01W	25	SENE	
099	Unnamed Stream	Copper Creek	50N	01W	25	SENE	
100	Unnamed Stream	Gimlet Creek	50N	01W	25	SESW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
101	Unnamed Stream	Gimlet Creek	50N	01W	25	SESW	
102	Unnamed Stream	Copper Creek	50N	01W	25	SWSE	
103	Unnamed Stream	Gimlet Creek	50N	01W	25	SWSE	
104	Stoney Creek	Copper Creek	50N	01W	27	NWNE	
105	Unnamed Stream	Stoney Creek	50N	01W	27	NWNE	
106	Stoney Creek	Copper Creek	50N	01W	27	SENE	
107	Unnamed Stream	Stoney Creek	50N	01W	27	SENW	
108	Unnamed Stream	Stoney Creek	50N	01W	27	SENW	
109	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	NWSE	
110	Unnamed Stream	Copper Creek	50N	01W	35	NWSW	
111	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	SENW	
112	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	SESE	
113	Unnamed Stream	Copper Creek	50N	01W	35	SWNW	
114	Unnamed Stream	Copper Creek	50N	01W	35	SWNW	
115	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	SWSE	
116	Unnamed Stream	Copper Creek	50N	01W	35	SWSW	
117	Canyon Creek	Little North Fork Coeur d'Alene River	50N	02E	31	NWSE	
118	Canyon Creek	Little North Fork Coeur d'Alene River	50N	02E	31	SWSE	
119	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	02E	07		
120	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	29		
121	Unnamed Pond	Little North Fork Coeur d'Alene River	50N	01E	29		

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

