

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. 94-09570A

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 Thomas Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010705).

QUANTITY: 1.000 CFS
8.600 AFY

The quantity under this water right is limited to up to 8.600 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. 94-09570A, 94-09570B, 94-09570C, 94-09570D, 94-09570E, 94-09570F and 94-09570G are limited to a total combined annual diversion volume of 8.600 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 8.600 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 Thomas Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010705), Steamboat Creek subwatershed (HUC12 170103010703), Bear Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020303), Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604), Graham Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010702), Cougar Gulch subwatershed (HUC12 170103010704) and Rose Creek-Coeur d'Alene River subwatershed (HUC12 170103030103).

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	Prado Creek	North Fork Coeur d'Alene River	49N	01E	11		
3	Unnamed Stream	Prado Creek	49N	01E	11		
4	Prado Creek	North Fork Coeur d'Alene River	49N	01E	13	NESE	
5	Unnamed Stream	Prado Creek	49N	01E	13	NESW	
6	Prado Creek	North Fork Coeur d'Alene River	49N	01E	13	NWSE	
7	Unnamed Stream	Prado Creek	49N	01E	13	NWSE	
8	Unnamed Stream	Prado Creek	49N	01E	13	NWSW	
9	Prado Creek	North Fork Coeur d'Alene River	49N	01E	13	SESE	
10	Unnamed Stream	Prado Creek	49N	01E	13	SESE	
11	Unnamed Stream	Prado Creek	49N	01E	13	SESW	
12	Unnamed Stream	Prado Creek	49N	01E	13	SWSE	
13	Unnamed Stream	Prado Creek	49N	01E	14		
14	Unnamed Stream	Prado Creek	49N	01E	14		
15	Unnamed Stream	Prado Creek	49N	01E	14		
16	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	8		
17	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	NESE	
18	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	NESE	L 3
19	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	NESE	L 4
20	Unnamed Stream	North Fork Coeur d'Alene River	49N	02E	18	NESW	
21	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	NWSE	L 4
22	Unnamed Stream	North Fork Coeur d'Alene River	49N	02E	18	NWSW	L 6
23	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	SENE	
24	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	SENE	L 3
25	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	SENE	L 4
26	Unnamed Stream	North Fork Coeur d'Alene River	49N	02E	18	SENE	
27	Unnamed Stream	North Fork Coeur d'Alene River	49N	02E	18	SENE	L 2
28	North Fork Coeur d'Alene River	Coeur d'Alene River	49N	02E	18	SWSE	L 10
29	Prado Creek	North Fork Coeur d'Alene River	49N	02E	18	SWSW	L 7
30	Unnamed Stream	North Fork Coeur d'Alene River	49N	02E	18	SWSW	L 7
31	Unnamed Stream	Prado Creek	49N	02E	18	SWSW	L 7
32	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	14		
33	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	15		
34	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	15		
35	Guard Creek	North Fork Coeur d'Alene River	50N	02E	22		
36	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	22		
37	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	22		
38	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	23	NWSW	
39	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	23	NWSW	
40	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	23	SWNE	
41	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	23	SWNW	
42	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	23	SWSW	
43	McRae Creek	North Fork Coeur d'Alene River	50N	02E	27		
44	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	29		
45	Studer Creek	North Fork Coeur d'Alene River	50N	02E	32	NENE	
46	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	32	NWNE	
47	Studer Creek	North Fork Coeur d'Alene River	50N	02E	32	SENE	
48	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	32	SWNE	
49	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	32	SWNW	
50	Unnamed Pond	Sink	49N	02E	18		

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

