

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. 94-09571A

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 Little North Fork South Fork Coeur d'Alene River-South Fork Coeur d'Alene River subwatershed (HUC12 170103020101).

QUANTITY: 1.000 CFS
24.10 AFY

The quantity under this water right is limited to up to 24.10 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. 94-09571A, 94-09571B, 94-09571C, 94-09605 and 94-09607 are limited to a total combined annual diversion volume of 24.10 acre feet per year.

PRIORITY DATE: 11/06/1906

This water right is subordinate and junior to water right nos. 94-02042 and 94-07374.

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 24.10 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 Little North Fork South Fork Coeur d'Alene River subwatershed (HUC12 170103020101), Canyon Creek-Upper South Fork Coeur d'Alene River subwatershed (HUC12 170103020102), Placer Creek subwatershed (HUC12 170103020103), Upper North Fork St. Joe River subwatershed (HUC12 170103040202), Cooper Gulch subwatershed (HUC12 170102130601) and Headwaters Saint Regis River subwatershed (HUC12 170102040701).

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	East Fork Willow Creek	Willow Creek	47N	05E	01		
003	Unnamed Stream	West Fork Willow Creek	47N	05E	01		
004	Unnamed Stream	Willow Creek	47N	05E	01		
005	West Fork Willow Creek	Willow Creek	47N	05E	01		
006	Willow Creek	South Fork Coeur d'Alene River	47N	05E	01		
007	Boulder Creek	South Fork Coeur d'Alene River	47N	05E	02		
008	Unnamed Stream	Boulder Creek	47N	05E	02		
009	Unnamed Stream	Boulder Creek	47N	05E	02		
010	Unnamed Stream	Boulder Creek	47N	05E	02		
011	Unnamed Stream	Boulder Creek	47N	05E	02		
012	Unnamed Stream	South Fork Coeur d'Alene River	47N	05E	02		
013	Unnamed Stream	West Fork Willow Creek	47N	05E	02		
014	Boulder Creek	South Fork Coeur d'Alene River	47N	05E	03		
015	Unnamed Stream	Boulder Creek	47N	05E	03		
016	Unnamed Stream	Boulder Creek	47N	05E	03		
017	Unnamed Stream	Boulder Creek	47N	05E	03		
018	Unnamed Stream	Boulder Creek	47N	05E	03		
019	Unnamed Stream	Gold Creek	47N	05E	03		
020	Gold Creek	South Fork Coeur d'Alene River	47N	05E	04		
021	Saint Joe Creek	South Fork Coeur d'Alene River	47N	05E	04		
022	Unnamed Stream	Saint Joe Creek	47N	05E	04		
023	Unnamed Stream	Saint Joe Creek	47N	05E	04		
024	Unnamed Stream	South Fork Coeur d'Alene River	47N	05E	04		
025	Rock Creek	South Fork Coeur d'Alene River	47N	05E	05		
026	Saint Joe Creek	South Fork Coeur d'Alene River	47N	05E	05		
027	Unnamed Stream	Rock Creek	47N	05E	05		
028	Unnamed Stream	Rock Creek	47N	05E	05		
029	Unnamed Stream	Rock Creek	47N	05E	05		
030	Unnamed Stream	Saint Joe Creek	47N	05E	05		
031	Unnamed Stream	Rock Creek	47N	05E	06		
032	Unnamed Stream	Rock Creek	47N	05E	06		
033	Unnamed Stream	Rock Creek	47N	05E	06		
034	Unnamed Stream	Rock Creek	47N	05E	06		
035	Unnamed Stream	Rock Creek	47N	05E	06		
036	Unnamed Stream	Rock Creek	47N	05E	06		
037	Unnamed Stream	South Fork Coeur d'Alene River	47N	05E	06		
038	Rock Creek	South Fork Coeur d'Alene River	47N	05E	07		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
039	Unnamed Stream	Rock Creek	47N	05E	07		
040	Unnamed Stream	Rock Creek	47N	05E	07		
041	Rock Creek	South Fork Coeur d'Alene River	47N	05E	08		
042	Saint Joe Creek	South Fork Coeur d'Alene River	47N	05E	08		
043	Unnamed Stream	Rock Creek	47N	05E	08		
044	Unnamed Stream	Saint Joe Creek	47N	05E	08		
045	Gold Creek	South Fork Coeur d'Alene River	47N	05E	09		
046	Unnamed Stream	Gold Creek	47N	05E	09		
047	Unnamed Stream	Saint Joe Creek	47N	05E	09		
048	Boulder Creek	South Fork Coeur d'Alene River	47N	05E	10		
049	Unnamed Stream	Boulder Creek	47N	05E	10		
050	Unnamed Stream	Boulder Creek	47N	05E	10		
051	Unnamed Stream	Boulder Creek	47N	05E	10		
052	Unnamed Stream	Gold Creek	47N	05E	10		
053	Unnamed Stream	Boulder Creek	47N	05E	11		
054	East Fork Willow Creek	Willow Creek	47N	05E	12		
055	Unnamed Stream	West Fork Willow Creek	47N	05E	12		
056	West Fork Willow Creek	Willow Creek	47N	05E	12		
057	Unnamed Stream	East Fork Willow Creek	47N	05E	13		
058	Unnamed Stream	East Fork Willow Creek	47N	05E	13		
059	Unnamed Stream	Boulder Creek	47N	05E	14		
060	Unnamed Stream	South Fork Coeur d'Alene River	47N	06E	03		
061	Unnamed Stream	South Fork Coeur d'Alene River	47N	06E	05		
062	Unnamed Stream	South Fork Coeur d'Alene River	47N	06E	05		
063	Unnamed Stream	South Fork Coeur d'Alene River	47N	06E	05		
064	Unnamed Stream	South Fork Coeur d'Alene River	47N	06E	06		
065	Unnamed Stream	South Fork Coeur d'Alene River	47N	06E	06		
066	Unnamed Stream	South Fork Coeur d'Alene River	48N	05E	23		
067	Unnamed Stream	South Fork Coeur d'Alene River	48N	05E	23		
068	Unnamed Stream	South Fork Coeur d'Alene River	48N	05E	24		
069	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	16		
070	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	17		
071	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	17		
072	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	17		
073	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	17		
074	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	17		
075	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	17		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
076	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	18		
077	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	18		
078	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	18		
079	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	18		
080	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	18		
081	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	18		
082	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	19		
083	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	20		
084	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	21		
085	Unnamed Stream	Little North Fork South Fork Coeur d'Alene River	48N	06E	21		
086	South Fork Coeur d'Alene River	Coeur d'Alene River	48N	06E	25		
087	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	26		
088	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	27		
089	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	27		
090	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	27		
091	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	27		
092	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	28		
093	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	28		
094	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	29		
095	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	29		
096	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	30		
097	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	30		
098	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	30		
099	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	31		
100	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	32	NENE	
101	Little North Fork South Fork Coeur d'Alene River	South Fork Coeur d'Alene River	48N	06E	32	NWNE	
102	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	32	NWNW	
103	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	32	SESW	
104	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	32	SESW	
105	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	32	SESW	
106	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	32	SWSE	
107	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	32	SWSE	
108	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	32	SWSW	
109	South Fork Coeur d'Alene River	Coeur d'Alene River	48N	06E	33		
110	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	33		
111	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	33		
112	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	33		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
113	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	33		
114	South Fork Coeur d'Alene River	Coeur d'Alene River	48N	06E	34		
115	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	34		
116	Unnamed Stream	South Fork Coeur d'Alene River	48N	06E	34		
117	South Fork Coeur d'Alene River	Coeur d'Alene River	48N	06E	35		
118	South Fork Coeur d'Alene River	Coeur d'Alene River	48N	06E	36		
119	Unnamed Pond	Gold Creek	47N	05E	09		
120	Unnamed Pond	Boulder Creek	47N	05E	10		
121	Lone Lake	West Fork Willow Creek	47N	05E	12		
122	Lower Stevens Lake	East Fork Willow Creek	47N	05E	12		
123	Unnamed Pond	East Fork Willow Creek	47N	05E	12		
124	Unnamed Pond	West Fork Willow Creek	47N	05E	12		
125	Upper Stevens Lake	East Fork Willow Creek	47N	05E	12		
126	Upper Stevens Lake	East Fork Willow Creek	47N	05E	13		
127	Unnamed Pond	Little North Fork South Fork Coeur d'Alene River	48N	06E	18		
128	Unnamed Pond	Little North Fork South Fork Coeur d'Alene River	48N	06E	18		
129	Unnamed Pond	Little North Fork South Fork Coeur d'Alene River	48N	06E	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

