

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. 94-09576

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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 Big Creek subwatershed (HUC12 170103020302).

QUANTITY: 1.000 CFS  
24.40 AFY

The quantity under this water right is limited to up to 24.40 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.

PRIORITY DATE: 11/06/1906

This water right is subordinate and junior to water right nos. 94-02094, 94-02132, and 94-02166.

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 24.40 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 Big Creek subwatershed (HUC12 170103020302), Bear Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020303), Twomile Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020301), Placer Creek subwatershed (HUC12 170103020103), East Fork Pine Creek subwatershed (HUC12 170103020201), Upper Slate Creek subwatershed (HUC12 170103040401) and Big Creek subwatershed (HUC12 170103040602).

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.

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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 Big Creek	Big Creek	47N	03E	01		
003	Unnamed Stream	East Fork Big Creek	47N	03E	01		
004	Unnamed Stream	East Fork Big Creek	47N	03E	01		
005	Unnamed Stream	East Fork Big Creek	47N	03E	01		
006	Unnamed Stream	East Fork Big Creek	47N	03E	01		
007	Unnamed Stream	East Fork Big Creek	47N	03E	02		
008	Big Creek	South Fork Coeur d'Alene River	47N	03E	03		
009	Ink Creek	Big Creek	47N	03E	03		
010	Unnamed Stream	Big Creek	47N	03E	03		
011	Unnamed Stream	Big Creek	47N	03E	03		
012	Unnamed Stream	Big Creek	47N	03E	03		
013	Unnamed Stream	Big Creek	47N	03E	03		
014	Unnamed Stream	Big Creek	47N	03E	03		
015	Unnamed Stream	Big Creek	47N	03E	03		
016	Big Creek	South Fork Coeur d'Alene River	47N	03E	04		
017	Elf Creek	Big Creek	47N	03E	04		
018	Ink Creek	Big Creek	47N	03E	04		
019	Unnamed Stream	Big Creek	47N	03E	04		
020	Unnamed Stream	Big Creek	47N	03E	04		
021	Unnamed Stream	Big Creek	47N	03E	04		
022	Unnamed Stream	Elf Creek	47N	03E	04		
023	Unnamed Stream	Elf Creek	47N	03E	04		
024	Unnamed Stream	Big Creek	47N	03E	05		
025	Unnamed Stream	Elf Creek	47N	03E	05		
026	Unnamed Stream	Elf Creek	47N	03E	05		
027	Unnamed Stream	Elf Creek	47N	03E	05		
028	Unnamed Stream	Elf Creek	47N	03E	05		
029	Unnamed Stream	Elf Creek	47N	03E	05		
030	Unnamed Stream	Elf Creek	47N	03E	06		
031	Dot Creek	Big Creek	47N	03E	08		
032	Elf Creek	Big Creek	47N	03E	08		
033	Unnamed Stream	Dot Creek	47N	03E	08		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
034	Unnamed Stream	Elf Creek	47N	03E	08		
035	Unnamed Stream	Elf Creek	47N	03E	08		
036	Unnamed Stream	Elf Creek	47N	03E	08		
037	Big Creek	South Fork Coeur d'Alene River	47N	03E	09		
038	Dot Creek	Big Creek	47N	03E	09		
039	Elf Creek	Big Creek	47N	03E	09		
040	Unnamed Stream	Dot Creek	47N	03E	09		
041	Unnamed Stream	Dot Creek	47N	03E	09		
042	Unnamed Stream	Dot Creek	47N	03E	09		
043	Big Creek	South Fork Coeur d'Alene River	47N	03E	10		
044	Dot Creek	Big Creek	47N	03E	10		
045	Ink Creek	Big Creek	47N	03E	10		
046	Pen Creek	Big Creek	47N	03E	10		
047	Unnamed Stream	Big Creek	47N	03E	10		
048	Unnamed Stream	Big Creek	47N	03E	10		
049	Unnamed Stream	Big Creek	47N	03E	10		
050	Ink Creek	Big Creek	47N	03E	11		
051	Pen Creek	Big Creek	47N	03E	11		
052	Unnamed Stream	Pen Creek	47N	03E	11		
053	Unnamed Stream	Pen Creek	47N	03E	11		
054	Unnamed Stream	Pen Creek	47N	03E	11		
055	East Fork Big Creek	Big Creek	47N	03E	12		
056	Unnamed Stream	East Fork Big Creek	47N	03E	12		
057	Unnamed Stream	East Fork Big Creek	47N	03E	12		
058	Unnamed Stream	East Fork Big Creek	47N	03E	13		
059	Unnamed Stream	East Fork Big Creek	47N	03E	13		
060	Unnamed Stream	East Fork Big Creek	47N	03E	13		
061	Big Creek	South Fork Coeur d'Alene River	47N	03E	14		
062	Unnamed Stream	Big Creek	47N	03E	14		
063	Unnamed Stream	Big Creek	47N	03E	14		
064	Unnamed Stream	Big Creek	47N	03E	14		
065	Big Creek	South Fork Coeur d'Alene River	47N	03E	15		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
066	Unnamed Stream	Big Creek	47N	03E	15		
067	Unnamed Stream	Big Creek	47N	03E	15		
068	Unnamed Stream	Big Creek	47N	03E	15		
069	Unnamed Stream	Big Creek	47N	03E	15		
070	Unnamed Stream	Big Creek	47N	03E	15		
071	Unnamed Stream	Big Creek	47N	03E	15		
072	Unnamed Stream	Big Creek	47N	03E	15		
073	Unnamed Stream	Big Creek	47N	03E	15		
074	Unnamed Stream	Big Creek	47N	03E	15		
075	Unnamed Stream	Big Creek	47N	03E	15		
076	Unnamed Stream	Dot Creek	47N	03E	16		
077	Unnamed Stream	Dot Creek	47N	03E	16		
078	Dot Creek	Big Creek	47N	03E	17		
079	Unnamed Stream	Dot Creek	47N	03E	17		
080	Unnamed Stream	Dot Creek	47N	03E	17		
081	Unnamed Stream	East Fork Big Creek	47N	04E	06		
082	Unnamed Stream	East Fork Big Creek	47N	04E	06		
083	East Fork Big Creek	Big Creek	47N	04E	07		
084	East Fork Big Creek	Big Creek	47N	04E	18		
085	Unnamed Stream	Big Creek	48N	03E	20		
086	Unnamed Stream	West Fork Big Creek	48N	03E	20		
087	Unnamed Stream	Big Creek	48N	03E	21		
088	Unnamed Stream	West Fork Big Creek	48N	03E	21		
089	West Fork Big Creek	Big Creek	48N	03E	21		
090	Unnamed Stream	Big Creek	48N	03E	26		
091	Big Creek	South Fork Coeur d'Alene River	48N	03E	27		
092	Unnamed Stream	Big Creek	48N	03E	27		
093	Unnamed Stream	Big Creek	48N	03E	27		
094	Unnamed Stream	Big Creek	48N	03E	27		
095	Unnamed Stream	Big Creek	48N	03E	27		
096	Unnamed Stream	Big Creek	48N	03E	27		
097	Unnamed Stream	Big Creek	48N	03E	27		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
098	Unnamed Stream	Big Creek	48N	03E	27		
099	Unnamed Stream	Big Creek	48N	03E	28		
100	Unnamed Stream	Big Creek	48N	03E	28		
101	Unnamed Stream	West Fork Big Creek	48N	03E	28		
102	Unnamed Stream	West Fork Big Creek	48N	03E	28		
103	Unnamed Stream	West Fork Big Creek	48N	03E	28		
104	Unnamed Stream	West Fork Big Creek	48N	03E	28		
105	West Fork Big Creek	Big Creek	48N	03E	28		
106	Unnamed Stream	West Fork Big Creek	48N	03E	29		
107	Unnamed Stream	West Fork Big Creek	48N	03E	29		
108	Unnamed Stream	West Fork Big Creek	48N	03E	29		
109	Unnamed Stream	West Fork Big Creek	48N	03E	29		
110	West Fork Big Creek	Big Creek	48N	03E	29		
111	Unnamed Stream	West Fork Big Creek	48N	03E	30		
112	Unnamed Stream	West Fork Big Creek	48N	03E	31		
113	Unnamed Stream	West Fork Big Creek	48N	03E	31		
114	Unnamed Stream	Big Creek	48N	03E	32		
115	Unnamed Stream	Big Creek	48N	03E	32		
116	Unnamed Stream	West Fork Big Creek	48N	03E	32		
117	Unnamed Stream	West Fork Big Creek	48N	03E	32		
118	Unnamed Stream	West Fork Big Creek	48N	03E	32		
119	Unnamed Stream	West Fork Big Creek	48N	03E	32		
120	Unnamed Stream	West Fork Big Creek	48N	03E	32		
121	Unnamed Stream	Big Creek	48N	03E	33		
122	Unnamed Stream	Big Creek	48N	03E	33		
123	Unnamed Stream	Big Creek	48N	03E	33		
124	Unnamed Stream	West Fork Big Creek	48N	03E	33		
125	Big Creek	South Fork Coeur d'Alene River	48N	03E	34		
126	East Fork Big Creek	Big Creek	48N	03E	34		
127	Unnamed Stream	Big Creek	48N	03E	34		
128	Unnamed Stream	Big Creek	48N	03E	34		
129	Unnamed Stream	Big Creek	48N	03E	34		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
130	Unnamed Stream	Big Creek	48N	03E	34		
131	Unnamed Stream	Big Creek	48N	03E	34		
132	Unnamed Stream	Big Creek	48N	03E	34		
133	East Fork Big Creek	Big Creek	48N	03E	35		
134	Unnamed Stream	East Fork Big Creek	48N	03E	35		
135	Unnamed Stream	East Fork Big Creek	48N	03E	35		
136	Unnamed Stream	East Fork Big Creek	48N	03E	35		
137	East Fork Big Creek	Big Creek	48N	03E	36		
138	Unnamed Stream	East Fork Big Creek	48N	03E	36		
139	Elsie Lake	East Fork Big Creek	47N	03E	12		
140	Elsie Lake	East Fork Big Creek	47N	03E	13		
141	Unnamed Pond	East Fork Big Creek	47N	03E	13		
142	Unnamed Pond	East Fork Big Creek	47N	03E	13		
143	Unnamed Pond	East Fork Big Creek	47N	04E	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

