

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. 94-09577A

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 Bear Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020303).

QUANTITY: 1.000 CFS
12.30 AFY

The quantity under this water right is limited to up to 12.30 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. 94-09577A and 94-09577B are limited to a total combined annual diversion volume of 12.30 acre feet.

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 12.30 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 Bear Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020303), Thomas Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010705), Graham Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010702), Beaver Creek subwatershed (HUC12 170103010701), Twomile Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020301), Big Creek subwatershed (HUC12 170103020302), East Fork Pine Creek subwatershed (HUC12 170103020201), Rose Creek-Coeur d'Alene River subwatershed (HUC12 170103030103) and West Fork Pine Creek subwatershed (HUC12 170103020202).

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	Unnamed Stream	West Fork Moon Creek	49N	03E	14		
003	West Fork Moon Creek	Moon Creek	49N	03E	14		
004	Montgomery Creek	South Fork Coeur d'Alene River	49N	03E	15		
005	Unnamed Stream	Montgomery Creek	49N	03E	15		
006	Unnamed Stream	Montgomery Creek	49N	03E	15		
007	Unnamed Stream	West Fork Moon Creek	49N	03E	15		
008	Unnamed Stream	West Fork Montgomery Creek	49N	03E	16		
009	Bear Creek	South Fork Coeur d'Alene River	49N	03E	18		
010	Unnamed Stream	Bear Creek	49N	03E	18		
011	Unnamed Stream	Bear Creek	49N	03E	18		
012	Unnamed Stream	Bear Creek	49N	03E	18		
013	Unnamed Stream	Bear Creek	49N	03E	18		
014	Jackass Creek	South Fork Coeur d'Alene River	49N	03E	19		
015	Unnamed Stream	Bear Creek	49N	03E	19		
016	Unnamed Stream	Bear Creek	49N	03E	19		
017	Unnamed Stream	Montgomery Creek	49N	03E	21		
018	Unnamed Stream	West Fork Montgomery Creek	49N	03E	21		
019	West Fork Montgomery Creek	Montgomery Creek	49N	03E	21		
020	Montgomery Creek	South Fork Coeur d'Alene River	49N	03E	22		
021	Unnamed Stream	Montgomery Creek	49N	03E	22		
022	Unnamed Stream	Montgomery Creek	49N	03E	22		
023	Unnamed Stream	Montgomery Creek	49N	03E	22		
024	Unnamed Stream	West Fork Moon Creek	49N	03E	23		
025	Unnamed Stream	West Fork Moon Creek	49N	03E	23		
026	Unnamed Stream	West Fork Moon Creek	49N	03E	23		
027	Unnamed Stream	West Fork Moon Creek	49N	03E	23		
028	Unnamed Stream	West Fork Moon Creek	49N	03E	23		
029	West Fork Moon Creek	Moon Creek	49N	03E	23		
030	Moon Creek	South Fork Coeur d'Alene River	49N	03E	24		
031	Unnamed Stream	West Fork Moon Creek	49N	03E	24		
032	Moon Creek	South Fork Coeur d'Alene River	49N	03E	25		
033	Unnamed Stream	Moon Creek	49N	03E	25		
034	Unnamed Stream	Moon Creek	49N	03E	25		
035	Unnamed Stream	Moon Creek	49N	03E	25		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
036	Unnamed Stream	Moon Creek	49N	03E	25		
037	Unnamed Stream	West Fork Moon Creek	49N	03E	25		
038	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NENE	
039	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NENE	
040	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NENW	
041	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NESE	
042	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NWNE	
043	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NWNE	
044	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NWNE	
045	West Fork Moon Creek	Moon Creek	49N	03E	26	NWNE	
046	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NWNW	
047	Unnamed Stream	West Fork Moon Creek	49N	03E	26	NWSE	
048	West Fork Moon Creek	Moon Creek	49N	03E	26	NWSE	
049	Unnamed Stream	West Fork Moon Creek	49N	03E	26	SWNE	
050	West Fork Moon Creek	Moon Creek	49N	03E	26	SWNE	
051	Unnamed Stream	West Fork Moon Creek	49N	03E	26	SWSE	
052	Unnamed Stream	Bear Creek	49N	03E	30		
053	Unnamed Stream	Moon Creek	49N	03E	34		
054	Unnamed Stream	Moon Creek	49N	03E	34		
055	Unnamed Stream	South Fork Coeur d'Alene River	49N	03E	34		
056	Moon Creek	South Fork Coeur d'Alene River	49N	03E	35	NENE	L 1
057	West Fork Moon Creek	Moon Creek	49N	03E	35	NWNE	L 2
058	Unnamed Stream	Moon Creek	49N	03E	35	SENE	L 6
059	Unnamed Stream	Moon Creek	49N	03E	35	SENE	L 6
060	Unnamed Stream	Moon Creek	49N	03E	35	SENE	L 6
061	Moon Creek	South Fork Coeur d'Alene River	49N	03E	35	SWNE	L 4
062	Unnamed Stream	Moon Creek	49N	03E	35	SWNE	L 4
063	Unnamed Stream	Moon Creek	49N	03E	36	NENE	
064	Unnamed Stream	Moon Creek	49N	03E	36	NENW	
065	Unnamed Stream	Moon Creek	49N	03E	36	NESW	
066	Moon Creek	South Fork Coeur d'Alene River	49N	03E	36	NWNW	
067	Unnamed Stream	Moon Creek	49N	03E	36	NWNW	
068	Unnamed Stream	Moon Creek	49N	03E	36	NWSW	
069	Unnamed Stream	Moon Creek	49N	03E	36	SENE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
070	Unnamed Stream	Moon Creek	49N	03E	36	SENW	
071	Unnamed Stream	Moon Creek	49N	03E	36	SWNE	
072	Unnamed Stream	Moon Creek	49N	03E	36	SWNW	
073	Unnamed Stream	Moon Creek	49N	04E	30		
074	Unnamed Stream	Moon Creek	49N	04E	30		
075	Unnamed Stream	Moon Creek	49N	04E	31		

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

