

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. 94-09578A

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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 Fourth of July Creek subwatershed (HUC12 170103030102).

QUANTITY: 1.000 CFS  
19.00 AFY  
  
The quantity under this water right is limited to up to 19.00 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. 94-09578A, 94-09578B, 94-09578C, 94-09578D, 94-09578E, 94-09578F, 94-09578G, 94-09578H, 94-09578I, 94-09578J, 94-09578K, 94-09578L, 94-09578M and 94-09578N are limited to a total combined annual diversion volume of 19.00 acre feet per year.

PRIORITY DATE: 11/06/1906  
  
This water right is subordinate and junior to water right no. 94-09428.

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 19.00 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 Fourth of July Creek subwatershed (HUC12 170103030102), Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604), Wolf Lodge Creek subwatershed (HUC12 170103030302), Cedar Creek subwatershed (HUC12 170103030301) 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.

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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	Unnamed Stream	Lake Creek	47N	04E	05		
003	Unnamed Stream	Lake Creek	47N	04E	05		
004	Unnamed Stream	Lake Creek	47N	04E	05		
005	Unnamed Stream	Lake Creek	47N	04E	06		
006	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	01	NENE	
007	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	01	NENE	
008	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	01	NESE	
009	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	01	SENE	
010	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	01	SWSE	L 2
011	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	01	SWSE	L 2
012	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	24		
013	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	24		
014	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	24		
015	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	25		
016	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	25		
017	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	25		
018	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	25		
019	Unnamed Stream	South Fork Coeur d'Alene River	48N	03E	26		
020	East Fork Twomile Creek	Twomile Creek	48N	04E	04		
021	Unnamed Stream	East Fork Twomile Creek	48N	04E	04		
022	East Fork Twomile Creek	Twomile Creek	48N	04E	05		
023	Twomile Creek	South Fork Coeur d'Alene River	48N	04E	05		
024	Unnamed Stream	Twomile Creek	48N	04E	05		
025	Unnamed Stream	Twomile Creek	48N	04E	05		
026	Unnamed Stream	Twomile Creek	48N	04E	05		
027	Unnamed Stream	Twomile Creek	48N	04E	05		
028	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	06		
029	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	06		
030	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	06		
031	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	06		
032	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	06		
033	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	06		
034	Unnamed Stream	Twomile Creek	48N	04E	06		

# 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	Twomile Creek	48N	04E	06		
036	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	07		
037	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	07		
038	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	07		
039	Unnamed Stream	Twomile Creek	48N	04E	07		
040	Twomile Creek	South Fork Coeur d'Alene River	48N	04E	08		
041	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	08		
042	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	08		
043	Unnamed Stream	Twomile Creek	48N	04E	08		
044	Unnamed Stream	Twomile Creek	48N	04E	08		
045	Unnamed Stream	Twomile Creek	48N	04E	08		
046	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	09		
047	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	09		
048	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	15		
049	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	15		
050	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	16		
051	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	16		
052	Unnamed Stream	Lake Creek	48N	04E	31		
053	Unnamed Stream	Lake Creek	48N	04E	31		
054	Unnamed Stream	Lake Creek	48N	04E	31		
055	Unnamed Stream	South Fork Coeur d'Alene River	48N	04E	31		
056	Unnamed Stream	Lake Creek	48N	04E	32		
057	Unnamed Stream	Lake Creek	48N	04E	32		
058	Unnamed Stream	Lake Creek	48N	04E	32		
059	Unnamed Stream	Lake Creek	48N	04E	32		
060	Unnamed Stream	Lake Creek	48N	04E	32		
061	Unnamed Stream	Lake Creek	48N	04E	32		
062	Unnamed Stream	Lake Creek	48N	04E	32		
063	Unnamed Stream	Lake Creek	48N	04E	32		
064	Unnamed Stream	South Fork Coeur d'Alene River	49N	03E	36		
065	Unnamed Stream	South Fork Coeur d'Alene River	49N	03E	36		
066	Twomile Creek	South Fork Coeur d'Alene River	49N	04E	31		
067	Unnamed Stream	South Fork Coeur d'Alene River	49N	04E	31		

# 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	South Fork Coeur d'Alene River	49N	04E	31		
069	Unnamed Stream	South Fork Coeur d'Alene River	49N	04E	31		
070	Unnamed Stream	Twomile Creek	49N	04E	31		
071	Twomile Creek	South Fork Coeur d'Alene River	49N	04E	32		
072	Unnamed Stream	Twomile Creek	49N	04E	32		
073	Unnamed Stream	Twomile Creek	49N	04E	32		
074	East Fork Twomile Creek	Twomile Creek	49N	04E	33		
075	Lost Lake	Lake Creek	47N	04E	06		
076	Unnamed Pond	Lake Creek	47N	04E	06		
077	Lost Lake	Lake Creek	48N	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 3

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

