

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. 94-09578B

---

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: 12/18/1926

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.

---

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	Fourth of July Creek	Coeur d'Alene River	49N	01W	7	NESE	
3	Fourth of July Creek	Coeur d'Alene River	49N	01W	7	NWSE	
4	Unnamed Stream	Fourth of July Creek	49N	01W	8	NESW	
5	Mason Creek	Fourth of July Creek	49N	01W	8	NWNE	
6	Fourth of July Creek	Coeur d'Alene River	49N	01W	8	NWSW	
7	Unnamed Stream	Fourth of July Creek	49N	01W	8	NWSW	
8	Unnamed Stream	Fourth of July Creek	49N	01W	8	NWSW	
9	Mason Creek	Fourth of July Creek	49N	01W	8	SWNE	
10	Fourth of July Creek	Coeur d'Alene River	49N	01W	8	SWSW	
11	Mill Creek	Fourth of July Creek	49N	01W	8	SWSW	
12	Unnamed Stream	Fourth of July Creek	49N	01W	8	SWSW	
13	Curran Creek	Fourth of July Creek	49N	01W	9	NESE	
14	Unnamed Stream	Curran Creek	49N	01W	9	NWSE	
15	Curran Creek	Fourth of July Creek	49N	01W	9	SESE	
16	Curran Creek	Fourth of July Creek	49N	01W	9	SWSE	
17	Unnamed Stream	Curran Creek	49N	01W	9	SWSE	
18	Unnamed Stream	Mason Creek	49N	01W	17	NENE	
19	Fourth of July Creek	Coeur d'Alene River	49N	01W	17	NENW	
20	Mason Creek	Fourth of July Creek	49N	01W	17	NENW	
21	Mason Creek	Fourth of July Creek	49N	01W	17	NWNE	
22	Unnamed Stream	Mason Creek	49N	01W	17	NWNE	
23	Fourth of July Creek	Coeur d'Alene River	49N	01W	17	NWNW	
24	Mill Creek	Fourth of July Creek	49N	01W	17	NWNW	
25	Fourth of July Creek	Coeur d'Alene River	49N	01W	17	SENE	
26	Mason Creek	Fourth of July Creek	49N	01W	17	SENE	
27	Fourth of July Creek	Coeur d'Alene River	49N	01W	17	SWNE	
28	Mill Creek	Fourth of July Creek	49N	01W	18	NENE	
29	Mill Creek	Fourth of July Creek	49N	01W	18	NWSE	
30	Mill Creek	Fourth of July Creek	49N	01W	18	SENE	
31	Unnamed Stream	Fourth of July Creek	49N	01W	18	SESE	
32	Mill Creek	Fourth of July Creek	49N	01W	18	SWNE	
33	Unnamed Stream	Fourth of July Creek	49N	01W	18	SWSE	
34	Fourth of July Creek	Coeur d'Alene River	49N	01W	21	NESE	
35	Fourth of July Creek	Coeur d'Alene River	49N	01W	21	NWNE	
36	Fourth of July Creek	Coeur d'Alene River	49N	01W	21	SENE	
37	Fourth of July Creek	Coeur d'Alene River	49N	01W	21	SWNE	
38	Mill Creek	Fourth of July Creek	49N	02W	13	NESE	
39	Mill Creek	Fourth of July Creek	49N	02W	13	SENE	

## 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

