

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. 94-09580A

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 Killarney Lake-Coeur d'Alene River subwatershed (HUC12 170103030201).

QUANTITY: 1.000 CFS
14.20 AFY

The quantity under this water right is limited to up to 14.20 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. 94-09580A, 94-09580B, 94-09580C, 94-09580D, 94-09580E, 94-09580F, 94-09580G, 94-09580H, 94-09580I, 94-09580J, 94-09580K and 94-09580L are limited to a total combined annual diversion volume of 14.20 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 14.20 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 Killarney Lake-Coeur d'Alene River subwatershed (HUC12 170103030201), Coeur d'Alene Lake subwatershed (HUC12 170103030406), Cedar Creek subwatershed (HUC12 170103030301), Rose Creek-Coeur d'Alene River subwatershed (HUC12 170103030103), Black Lake-Coeur d'Alene River subwatershed (HUC12 170103030202), Anderson Lake-Coeur d'Alene River subwatershed (HUC12 170103030203) and Latour Creek subwatershed (HUC12 170103030101).

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	Fortier Creek	Killarney Creek	48N	02W	03		
003	Unnamed Stream	Fortier Creek	48N	02W	03		
004	Unnamed Stream	Fortier Creek	48N	02W	03		
005	Chatfield Creek	Killarney Creek	48N	02W	04		
006	Unnamed Stream	Armstrong Creek	48N	02W	04		
007	Unnamed Stream	Fortier Creek	48N	02W	04		
008	Unnamed Stream	Fortier Creek	48N	02W	04		
009	Unnamed Stream	Lane Creek	48N	02W	04		
010	Lane Creek	Killarney Creek	48N	02W	05		
011	Unnamed Stream	Armstrong Creek	48N	02W	05		
012	Unnamed Stream	Lane Creek	48N	02W	05		
013	Lane Creek	Killarney Creek	48N	02W	08	NENE	
014	McGinnis Creek	Lane Creek	48N	02W	08	NESW	
015	Lane Creek	Killarney Creek	48N	02W	08	NWNE	
016	McGinnis Creek	Lane Creek	48N	02W	08	SENE	
017	McGinnis Creek	Lane Creek	48N	02W	08	SWNW	
018	Lane Creek	Killarney Creek	48N	02W	09		
019	Unnamed Stream	Unnamed Stream	48N	02W	17	NESE	
020	Unnamed Stream	McGinnis Creek	48N	02W	17	NWNE	
021	Unnamed Stream	Unnamed Stream	48N	02W	17	SENE	
022	Fortier Creek	Killarney Creek	49N	02W	21		
023	Unnamed Stream	Fortier Creek	49N	02W	21		
024	Unnamed Stream	Fortier Creek	49N	02W	22		
025	Unnamed Stream	Fortier Creek	49N	02W	22		
026	Unnamed Stream	Fortier Creek	49N	02W	22		
027	Unnamed Stream	Fortier Creek	49N	02W	23		
028	Unnamed Stream	Killarney Creek	49N	02W	25		
029	Killarney Creek	Coeur d'Alene River	49N	02W	26	NESW	
030	Killarney Creek	Coeur d'Alene River	49N	02W	26	NWNE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
031	Unnamed Stream	Fortier Creek	49N	02W	26	NWNW	
032	Killarney Creek	Coeur d'Alene River	49N	02W	26	NWSE	
033	Unnamed Stream	Killarney Creek	49N	02W	26	SESE	
034	Killarney Creek	Coeur d'Alene River	49N	02W	26	SWNE	
035	Unnamed Stream	Killarney Creek	49N	02W	26	SWSE	
036	Unnamed Stream	Killarney Creek	49N	02W	26	SWSW	
037	Unnamed Stream	Fortier Creek	49N	02W	27	NENE	
038	Unnamed Stream	Fortier Creek	49N	02W	27	NENW	
039	Fortier Creek	Killarney Creek	49N	02W	27	NESW	
040	Unnamed Stream	Fortier Creek	49N	02W	27	NESW	
041	Unnamed Stream	Fortier Creek	49N	02W	27	NESW	
042	Unnamed Stream	Fortier Creek	49N	02W	27	NWNW	
043	Unnamed Stream	Fortier Creek	49N	02W	27	NWSE	
044	Unnamed Stream	Fortier Creek	49N	02W	27	NWSE	
045	Unnamed Stream	Fortier Creek	49N	02W	27	SENE	
046	Unnamed Stream	Fortier Creek	49N	02W	27	SENW	
047	Unnamed Stream	Killarney Creek	49N	02W	27	SESE	
048	Unnamed Stream	Fortier Creek	49N	02W	27	SWNE	
049	West Fork Fortier Creek	Fortier Creek	49N	02W	28	SENW	
050	Unnamed Stream	Armstrong Creek	49N	02W	29	NENE	
051	Unnamed Stream	Armstrong Creek	49N	02W	29	SESE	
052	Unnamed Stream	Armstrong Creek	49N	02W	29	SWSE	
053	Armstrong Creek	Fortier Creek	49N	02W	32		
054	Unnamed Stream	Armstrong Creek	49N	02W	32		
055	Unnamed Stream	Armstrong Creek	49N	02W	32		
056	Unnamed Stream	Armstrong Creek	49N	02W	32		
057	Unnamed Stream	Armstrong Creek	49N	02W	33	NENW	
058	Unnamed Stream	Armstrong Creek	49N	02W	33	NENW	
059	Armstrong Creek	Fortier Creek	49N	02W	33	NESE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Unnamed Stream	Armstrong Creek	49N	02W	33	NESE	
061	Unnamed Stream	Armstrong Creek	49N	02W	33	NESW	
062	Unnamed Stream	Armstrong Creek	49N	02W	33	NWNW	
063	Armstrong Creek	Fortier Creek	49N	02W	33	NWSE	
064	Unnamed Stream	Armstrong Creek	49N	02W	33	NWSE	
065	Armstrong Creek	Fortier Creek	49N	02W	33	NWSW	
066	Unnamed Stream	Armstrong Creek	49N	02W	33	NWSW	
067	Armstrong Creek	Fortier Creek	49N	02W	33	SESW	L 3
068	Unnamed Stream	Armstrong Creek	49N	02W	33	SESW	L 3
069	Unnamed Stream	Armstrong Creek	49N	02W	33	SWNE	
070	Unnamed Stream	Armstrong Creek	49N	02W	33	SWNE	
071	Unnamed Stream	Armstrong Creek	49N	02W	33	SWNW	
072	Armstrong Creek	Fortier Creek	49N	02W	33	SWSE	L 2
073	Armstrong Creek	Fortier Creek	49N	02W	33	SWSW	L 4
074	Unnamed Stream	Armstrong Creek	49N	02W	33	SWSW	L 4
075	Unnamed Stream	Killarney Creek	49N	02W	35	NWNW	
076	Killarney Lake	Coeur d'Alene River	48N	02W	02		
077	Killarney Lake	Coeur d'Alene River	48N	02W	03		
078	Killarney Lake	Coeur d'Alene River	48N	02W	10		
079	Killarney Lake	Coeur d'Alene River	48N	02W	11		

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

