

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. 95-17408A

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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 Wolf Lodge Creek subwatershed (HUC12 170103030302).

QUANTITY: 1.000 CFS  
36.90 AFY

The quantity under this water right is limited to up to 36.90 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. 95-17404A thru 95-17414F.

See Attachment 2.

Right nos. 95-17408A, 95-17408B and 95-17408C are limited to a total combined annual diversion volume of 36.900 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 36.90 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 Wolf Lodge Creek subwatershed (HUC12 170103030302), Coeur d'Alene Lake subwatershed (HUC12 170103030406), Cedar Creek subwatershed (HUC12 170103030301), Fernan Lake subwatershed (HUC12 170103030405), Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602), Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603), Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604) and Fourth of July Creek subwatershed (HUC12 170103030102).

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	Wolf Lodge Creek	49N	02W	04		
003	Unnamed Stream	Wolf Lodge Creek	49N	02W	07		
004	Unnamed Stream	Wolf Lodge Creek	49N	02W	08		
005	Unnamed Stream	Wolf Lodge Creek	49N	02W	08		
006	Unnamed Stream	Wolf Lodge Creek	49N	02W	08		
007	Unnamed Stream	Wolf Lodge Creek	49N	02W	08		
008	Phantom Creek	Wolf Lodge Creek	50N	01W	06		
009	Unnamed Stream	Phantom Creek	50N	01W	06		
010	Unnamed Stream	Phantom Creek	50N	01W	06		
011	Skitwish Creek	Marie Creek	50N	01W	07		
012	Unnamed Stream	Phantom Creek	50N	01W	07		
013	Unnamed Stream	Skitwish Creek	50N	01W	07		
014	Unnamed Stream	Skitwish Creek	50N	01W	07		
015	Skitwish Creek	Marie Creek	50N	01W	08		
016	Unnamed Stream	Marie Creek	50N	01W	08		
017	Marie Creek	Wolf Lodge Creek	50N	01W	09		
018	Marie Creek	Wolf Lodge Creek	50N	01W	17		
019	Unnamed Stream	Marie Creek	50N	01W	17		
020	Unnamed Stream	Marie Creek	50N	01W	17		
021	Unnamed Stream	Marie Creek	50N	01W	17		
022	Skitwish Creek	Marie Creek	50N	01W	18		
023	Unnamed Stream	Skitwish Creek	50N	01W	18		
024	Unnamed Stream	Skitwish Creek	50N	01W	18		
025	Unnamed Stream	Skitwish Creek	50N	01W	18		
026	Marie Creek	Wolf Lodge Creek	50N	01W	19		
027	Unnamed Stream	Marie Creek	50N	01W	19		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
028	Unnamed Stream	Marie Creek	50N	01W	19		
029	Unnamed Stream	Marie Creek	50N	01W	19		
030	Unnamed Stream	Marie Creek	50N	01W	19		
031	Unnamed Stream	Skitwish Creek	50N	01W	19		
032	Marie Creek	Wolf Lodge Creek	50N	01W	20		
033	Unnamed Stream	Marie Creek	50N	01W	20		
034	Unnamed Stream	Marie Creek	50N	01W	20		
035	Unnamed Stream	Marie Creek	50N	01W	20		
036	Unnamed Stream	Marie Creek	50N	01W	21		
037	Unnamed Stream	Marie Creek	50N	01W	21		
038	Unnamed Stream	Marie Creek	50N	01W	28		
039	Unnamed Stream	Marie Creek	50N	01W	29		
040	Unnamed Stream	Marie Creek	50N	01W	29		
041	Marie Creek	Wolf Lodge Creek	50N	01W	30		
042	Unnamed Stream	Marie Creek	50N	01W	30		
043	Unnamed Stream	Marie Creek	50N	01W	30		
044	Unnamed Stream	Marie Creek	50N	01W	30		
045	Unnamed Stream	Marie Creek	50N	01W	30		
046	Phantom Creek	Wolf Lodge Creek	50N	02W	01		
047	Unnamed Stream	Phantom Creek	50N	02W	01		
048	Unnamed Stream	Phantom Creek	50N	02W	01		
049	Unnamed Stream	Phantom Creek	50N	02W	01		
050	Blue Grouse Creek	Wolf Lodge Creek	50N	02W	02		
051	Onowa Creek	Wolf Lodge Creek	50N	02W	02		
052	Phantom Creek	Wolf Lodge Creek	50N	02W	02		
053	Unnamed Stream	Blue Grouse Creek	50N	02W	02		

## Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
054	Wolf Lodge Creek	Spokane River	50N	02W	02		
055	Stella Creek	Lonesome Creek	50N	02W	03		
056	Unnamed Stream	Lonesome Creek	50N	02W	03		
057	Unnamed Stream	Stella Creek	50N	02W	03		
058	Unnamed Stream	Stella Creek	50N	02W	03		
059	Lonesome Creek	Wolf Lodge Creek	50N	02W	04		
060	Stella Creek	Lonesome Creek	50N	02W	04		
061	Unnamed Stream	Stella Creek	50N	02W	04		
062	Unnamed Stream	Stella Creek	50N	02W	04		
063	Unnamed Stream	Stella Creek	50N	02W	04		
064	Unnamed Stream	Stella Creek	50N	02W	04		
065	Lonesome Creek	Wolf Lodge Creek	50N	02W	05		
066	Unnamed Stream	Lonesome Creek	50N	02W	05		
067	Unnamed Stream	Lonesome Creek	50N	02W	05		
068	Unnamed Stream	Lonesome Creek	50N	02W	06		
069	Unnamed Stream	Lonesome Creek	50N	02W	08		
070	Lonesome Creek	Wolf Lodge Creek	50N	02W	09		
071	Stella Creek	Lonesome Creek	50N	02W	09		
072	Unnamed Stream	Lonesome Creek	50N	02W	09		
073	Unnamed Stream	Lonesome Creek	50N	02W	09		
074	Unnamed Stream	Stella Creek	50N	02W	09		
075	Unnamed Stream	Lonesome Creek	50N	02W	10		
076	Unnamed Stream	Wolf Lodge Creek	50N	02W	10		
077	Wolf Lodge Creek	Spokane River	50N	02W	10		
078	Onowa Creek	Wolf Lodge Creek	50N	02W	11	NENW	
079	Wolf Lodge Creek	Spokane River	50N	02W	11	NENW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
080	Unnamed Stream	Wolf Lodge Creek	50N	02W	11	NESE	L 5
081	Holiday Creek	Wolf Lodge Creek	50N	02W	11	NESW	L 9
082	Wolf Lodge Creek	Spokane River	50N	02W	11	NWNE	
083	Onowa Creek	Wolf Lodge Creek	50N	02W	11	NWNW	
084	Holiday Creek	Wolf Lodge Creek	50N	02W	11	NWSE	L 8
085	Holiday Creek	Wolf Lodge Creek	50N	02W	11	NWSW	
086	Wolf Lodge Creek	Spokane River	50N	02W	11	NWSW	
087	Unnamed Stream	Wolf Lodge Creek	50N	02W	11	SENE	
088	Unnamed Stream	Wolf Lodge Creek	50N	02W	11	SENW	L 2
089	Wolf Lodge Creek	Spokane River	50N	02W	11	SENW	L 2
090	Holiday Creek	Wolf Lodge Creek	50N	02W	11	SESE	
091	Unnamed Stream	Wolf Lodge Creek	50N	02W	11	SWNE	L 4
092	Onowa Creek	Wolf Lodge Creek	50N	02W	11	SWNW	L 1
093	Wolf Lodge Creek	Spokane River	50N	02W	11	SWNW	L 1
094	Holiday Creek	Wolf Lodge Creek	50N	02W	11	SWSE	
095	Burton Creek	Marie Creek	50N	02W	12		
096	Holiday Creek	Wolf Lodge Creek	50N	02W	12		
097	Unnamed Stream	Wolf Lodge Creek	50N	02W	12		
098	Burton Creek	Marie Creek	50N	02W	13		
099	Skitwish Creek	Marie Creek	50N	02W	13		
100	Unnamed Stream	Skitwish Creek	50N	02W	13		
101	Burton Creek	Marie Creek	50N	02W	14		
102	Searchlight Creek	Marie Creek	50N	02W	14		
103	Searchlight Creek	Marie Creek	50N	02W	15		
104	Wolf Lodge Creek	Spokane River	50N	02W	15		
105	Lonesome Creek	Wolf Lodge Creek	50N	02W	16		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
106	Unnamed Stream	Stella Creek	50N	02W	16		
107	Marie Creek	Wolf Lodge Creek	50N	02W	22		
108	Searchlight Creek	Marie Creek	50N	02W	22		
109	Unnamed Stream	Wolf Lodge Creek	50N	02W	22		
110	Unnamed Stream	Wolf Lodge Creek	50N	02W	22		
111	Unnamed Stream	Wolf Lodge Creek	50N	02W	22		
112	Burton Creek	Marie Creek	50N	02W	23		
113	Marie Creek	Wolf Lodge Creek	50N	02W	23		
114	Skitwish Creek	Marie Creek	50N	02W	23		
115	Unnamed Stream	Marie Creek	50N	02W	23		
116	Unnamed Stream	Wolf Lodge Creek	50N	02W	23		
117	Marie Creek	Wolf Lodge Creek	50N	02W	24		
118	Skitwish Creek	Marie Creek	50N	02W	24		
119	Unnamed Stream	Marie Creek	50N	02W	24		
120	Unnamed Stream	Skitwish Creek	50N	02W	24		
121	Unnamed Stream	Skitwish Creek	50N	02W	24		
122	Marie Creek	Wolf Lodge Creek	50N	02W	25		
123	Unnamed Stream	Marie Creek	50N	02W	25		
124	Unnamed Stream	Marie Creek	50N	02W	25		
125	Unnamed Stream	Wolf Lodge Creek	50N	02W	26		
126	Unnamed Stream	Wolf Lodge Creek	50N	02W	26		
127	Unnamed Stream	Wolf Lodge Creek	50N	02W	26		
128	Unnamed Stream	Phantom Creek	51N	01W	31		
129	Unnamed Stream	Phantom Creek	51N	01W	31		
130	Stella Creek	Lonesome Creek	51N	02W	22		
131	Unnamed Stream	Stella Creek	51N	02W	26		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
132	Unnamed Stream	Stella Creek	51N	02W	26		
133	Unnamed Stream	Stella Creek	51N	02W	26		
134	Unnamed Stream	Stella Creek	51N	02W	26		
135	Unnamed Stream	Stella Creek	51N	02W	26		
136	Stella Creek	Lonesome Creek	51N	02W	27		
137	Unnamed Stream	Stella Creek	51N	02W	27		
138	Unnamed Stream	Stella Creek	51N	02W	27		
139	Unnamed Stream	Stella Creek	51N	02W	27		
140	Unnamed Stream	Stella Creek	51N	02W	27		
141	Unnamed Stream	Stella Creek	51N	02W	27		
142	Unnamed Stream	Stella Creek	51N	02W	28		
143	Unnamed Stream	Stella Creek	51N	02W	28		
144	Unnamed Stream	Stella Creek	51N	02W	28		
145	Lonesome Creek	Wolf Lodge Creek	51N	02W	32		
146	Unnamed Stream	Lonesome Creek	51N	02W	32		
147	Unnamed Stream	Stella Creek	51N	02W	33		
148	Unnamed Stream	Stella Creek	51N	02W	33		
149	Unnamed Stream	Stella Creek	51N	02W	33		
150	Stella Creek	Lonesome Creek	51N	02W	34		
151	Unnamed Stream	Stella Creek	51N	02W	34		
152	Unnamed Stream	Stella Creek	51N	02W	34		
153	Unnamed Stream	Stella Creek	51N	02W	34		
154	Blue Grouse Creek	Wolf Lodge Creek	51N	02W	35		
155	Unnamed Stream	Blue Grouse Creek	51N	02W	35		
156	Unnamed Stream	Stella Creek	51N	02W	35		
157	Unnamed Stream	Stella Creek	51N	02W	35		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
158	Unnamed Stream	Stella Creek	51N	02W	35		
159	Unnamed Stream	Stella Creek	51N	02W	35		
160	Blue Grouse Creek	Wolf Lodge Creek	51N	02W	36		
161	Unnamed Stream	Blue Grouse Creek	51N	02W	36		
162	Unnamed Stream	Phantom Creek	51N	02W	36		

Attachment 2

95-17404A  
95-17404B  
95-17405A  
95-17405B  
95-17405C  
95-17406A  
95-17406B  
95-17406C  
95-17407A  
95-17407B  
95-17407C  
95-17408A  
95-17408B  
95-17408C  
95-17409A  
95-17409B  
95-17409C  
95-17409D  
95-17409E  
95-17409F  
95-17409G  
95-17409H  
95-17409I  
95-17410A  
95-17410B  
95-17410C  
95-17410D  
95-17410E  
95-17410F  
95-17410G  
95-17411A  
95-17411B  
95-17411C  
95-17412A  
95-17412B  
95-17412C  
95-17412D  
95-17412E  
95-17412F  
95-17412G  
95-17413  
95-17414A  
95-17414B  
95-17414C  
95-17414D  
95-17414E  
95-17414F

