

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. 95-17411A

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 Hayden Creek subwatershed (HUC12 170103050101).

QUANTITY: 1.000 CFS
25.00 AFY

The quantity under this water right is limited to up to 25.00 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. 95-17404A thru 95-17414F.

See Attachment 2.

Right nos. 95-17411A, 95-17411B and 95-17411C are limited to a total combined annual diversion volume of 25.000 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 25.00 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 Hayden Creek subwatershed (HUC12 170103050101), Sage Creek subwatershed (HUC12 170103050301), Yellowbanks Creek-Hayden Lake subwatershed (HUC12 170103050102) and Iron Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010601).

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	East Fork Hayden Creek	51N	02W	03		
003	Unnamed Stream	East Fork Hayden Creek	51N	02W	03		
004	Unnamed Stream	North Fork Hayden Creek	52N	02W	10		
005	Chilco Creek	East Fork Hayden Creek	52N	02W	11		
006	Chilco Creek	East Fork Hayden Creek	52N	02W	14		
007	Conie Creek	East Fork Hayden Creek	52N	02W	14		
008	Chilco Creek	East Fork Hayden Creek	52N	02W	15		
009	Conie Creek	East Fork Hayden Creek	52N	02W	15		
010	East Fork Hayden Creek	Hayden Creek	52N	02W	15		
011	Unnamed Stream	Corner Creek	52N	02W	15		
012	Buckles Creek	North Fork Hayden Creek	52N	02W	16		
013	Corner Creek	East Fork Hayden Creek	52N	02W	16		
014	North Fork Hayden Creek	Hayden Creek	52N	02W	16		
015	Unnamed Stream	North Fork Hayden Creek	52N	02W	16		
016	Buckles Creek	North Fork Hayden Creek	52N	02W	17		
017	Falls Creek	North Fork Hayden Creek	52N	02W	17		
018	Unnamed Stream	Buckles Creek	52N	02W	17		
019	Buckles Creek	North Fork Hayden Creek	52N	02W	18		
020	Shamrock Creek	North Fork Hayden Creek	52N	02W	19		
021	Cardin Creek	East Fork Hayden Creek	52N	02W	20		
022	Line Creek	East Fork Hayden Creek	52N	02W	20		
023	Ridge Creek	East Fork Hayden Creek	52N	02W	20		
024	Shamrock Creek	North Fork Hayden Creek	52N	02W	20		
025	Ulrich Creek	East Fork Hayden Creek	52N	02W	20		
026	Unnamed Stream	Buckles Creek	52N	02W	20		
027	Corner Creek	East Fork Hayden Creek	52N	02W	21		
028	East Fork Hayden Creek	Hayden Creek	52N	02W	21		
029	Todd Creek	East Fork Hayden Creek	52N	02W	21		
030	Ulrich Creek	East Fork Hayden Creek	52N	02W	21		
031	Unnamed Stream	East Fork Hayden Creek	52N	02W	21		
032	Corner Creek	East Fork Hayden Creek	52N	02W	22		

Attachment 1

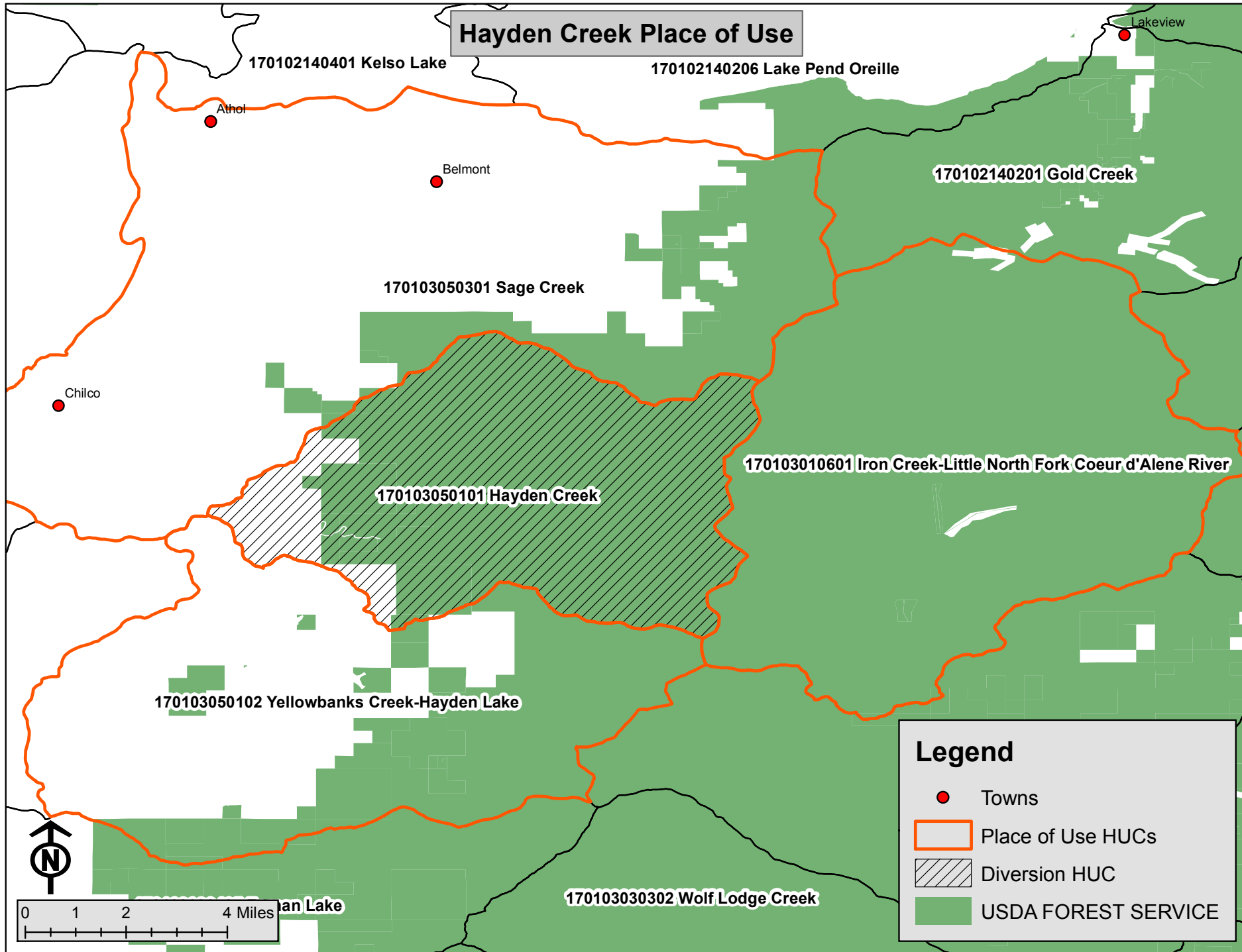
	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
033	East Fork Hayden Creek	Hayden Creek	52N	02W	22		
034	Straight Creek	East Fork Hayden Creek	52N	02W	22		
035	Unnamed Stream	Corner Creek	52N	02W	22		
036	Unnamed Stream	Straight Creek	52N	02W	22		
037	Unnamed Stream	East Fork Hayden Creek	52N	02W	22		
038	Straight Creek	East Fork Hayden Creek	52N	02W	23		
039	Unnamed Stream	Straight Creek	52N	02W	23		
040	Unnamed Stream	East Fork Hayden Creek	52N	02W	26		
041	Unnamed Stream	East Fork Hayden Creek	52N	02W	26		
042	Unnamed Stream	East Fork Hayden Creek	52N	02W	27		
043	Unnamed Stream	East Fork Hayden Creek	52N	02W	27		
044	Unnamed Stream	East Fork Hayden Creek	52N	02W	27		
045	Unnamed Stream	East Fork Hayden Creek	52N	02W	27		
046	Unnamed Stream	East Fork Hayden Creek	52N	02W	27		
047	Unnamed Stream	East Fork Hayden Creek	52N	02W	27		
048	East Fork Hayden Creek	Hayden Creek	52N	02W	28		
049	Ulrich Creek	East Fork Hayden Creek	52N	02W	28		
050	Unnamed Stream	East Fork Hayden Creek	52N	02W	28		
051	Unnamed Stream	East Fork Hayden Creek	52N	02W	28		
052	Unnamed Stream	East Fork Hayden Creek	52N	02W	28		
053	Cardin Creek	East Fork Hayden Creek	52N	02W	29		
054	East Fork Hayden Creek	Hayden Creek	52N	02W	29		
055	Line Creek	East Fork Hayden Creek	52N	02W	29		
056	Ridge Creek	East Fork Hayden Creek	52N	02W	29		
057	Ulrich Creek	East Fork Hayden Creek	52N	02W	29		
058	Unnamed Stream	East Fork Hayden Creek	52N	02W	29		
059	East Fork Hayden Creek	Hayden Creek	52N	02W	30		
060	Line Creek	East Fork Hayden Creek	52N	02W	30		
061	Unnamed Stream	East Fork Hayden Creek	52N	02W	32		
062	Unnamed Stream	East Fork Hayden Creek	52N	02W	32		
063	Unnamed Stream	East Fork Hayden Creek	52N	02W	33		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
064	Unnamed Stream	East Fork Hayden Creek	52N	02W	33		
065	Unnamed Stream	East Fork Hayden Creek	52N	02W	34		
066	Unnamed Stream	East Fork Hayden Creek	52N	02W	34		
067	Unnamed Stream	East Fork Hayden Creek	52N	02W	34		
068	Unnamed Stream	East Fork Hayden Creek	52N	02W	34		
069	Unnamed Stream	East Fork Hayden Creek	52N	02W	34		
070	Unnamed Stream	East Fork Hayden Creek	52N	02W	34		
071	Unnamed Stream	East Fork Hayden Creek	52N	02W	35		
072	Unnamed Stream	East Fork Hayden Creek	52N	02W	35		
073	North Fork Hayden Creek	Hayden Creek	52N	02W	07		
074	Unnamed Stream	North Fork Hayden Creek	52N	02W	07		
075	Falls Creek	North Fork Hayden Creek	52N	02W	08		
076	North Fork Hayden Creek	Hayden Creek	52N	02W	08		
077	Unnamed Stream	North Fork Hayden Creek	52N	02W	08		
078	Unnamed Stream	North Fork Hayden Creek	52N	02W	08		
079	Unnamed Stream	North Fork Hayden Creek	52N	02W	08		
080	North Fork Hayden Creek	Hayden Creek	52N	02W	09		
081	Unnamed Stream	North Fork Hayden Creek	52N	02W	09		
082	Unnamed Stream	North Fork Hayden Creek	52N	02W	09		
083	Unnamed Stream	North Fork Hayden Creek	52N	02W	09		
084	Unnamed Stream	North Fork Hayden Creek	52N	03W	12	NENE	
085	Unnamed Stream	North Fork Hayden Creek	52N	03W	12	NESE	
086	Unnamed Stream	Hollister Creek	52N	03W	12	NESW	
087	Unnamed Stream	Hollister Creek	52N	03W	12	NWSW	
088	Unnamed Stream	North Fork Hayden Creek	52N	03W	12	SENE	
089	Unnamed Stream	Hollister Creek	52N	03W	12	SWSW	

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



Hayden Creek Place of Use

Legend

- Towns
- ▭ Place of Use HUCs
- ▨ Diversion HUC
- ▭ USDA FOREST SERVICE