

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. 95-17414A

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 Sage Creek subwatershed (HUC12 170103050301).

QUANTITY: 1.000 CFS
11.50 AFY

The quantity under this water right is limited to up to 11.50 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. 95-17414A, 95-17414B, 95-17414C, 95-17414D, 95-17414E and 95-17414F are limited to a total combined annual diversion volume of 11.500 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 11.50 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 Sage Creek subwatershed (HUC12 170103050301), Lake Pend Oreille subwatershed (HUC12 170102140206), Kelso Lake subwatershed (HUC12 170102140401), Hoodoo Creek subwatershed (HUC12 170102140403), Rathdrum Prairie-Spokane River subwatershed (HUC12 170103050200), Yellowbanks Creek-Hayden Lake subwatershed (HUC12 170103050102), Hayden Creek subwatershed (HUC12 170103050101), Gold Creek subwatershed (HUC12 170102140201), Iron Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010601) and Cable Creek-Spokane River (HUC12 170103050304).

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	Roush Creek	52N	02W	02	NENW	L 3
003	North Fork Sage Creek	Sage Creek	52N	02W	02	NESW	
004	North Fork Sage Creek	Sage Creek	52N	02W	02	NWSW	
005	Unnamed Stream	Roush Creek	52N	02W	02	SENW	
006	Unnamed Stream	Roush Creek	52N	02W	02	SWNE	
007	Unnamed Stream	Sage Creek	52N	02W	03	NESW	
008	North Fork Sage Creek	Sage Creek	52N	02W	03	NWNW	L 4
009	Unnamed Stream	North Fork Sage Creek	52N	02W	03	NWSE	
010	Unnamed Stream	Sage Creek	52N	02W	03	NWSW	
011	Unnamed Stream	North Fork Sage Creek	52N	02W	03	SESE	
012	Unnamed Stream	Sage Creek	52N	02W	03	SESW	
013	Unnamed Stream	Sage Creek	52N	02W	03	SWNW	
014	Unnamed Stream	North Fork Sage Creek	52N	02W	03	SWSE	
015	Sage Creek	Rathdrum Creek	52N	02W	03	SWSW	
016	North Fork Sage Creek	Sage Creek	52N	02W	04		
017	Sage Creek	Rathdrum Creek	52N	02W	04		
018	Unnamed Stream	Sage Creek	52N	02W	04		
019	Unnamed Stream	Sage Creek	52N	02W	04		
020	Unnamed Stream	Sage Creek	52N	02W	04		
021	Unnamed Stream	Sage Creek	52N	02W	05		
022	Unnamed Stream	Sage Creek	52N	02W	05		
023	Unnamed Stream	Sage Creek	52N	02W	09		
024	Sage Creek	Rathdrum Creek	52N	02W	10		
025	Unnamed Stream	Sage Creek	52N	03W	01		
026	Unnamed Stream	Sage Creek	52N	03W	01		
027	Unnamed Stream	Sage Creek	52N	03W	01		
028	Unnamed Stream	Sage Creek	52N	03W	01		
029	Unnamed Stream	Sage Creek	52N	03W	02	NENE	L 1
030	Unnamed Stream	Sage Creek	52N	03W	02	NWNE	L 2

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	Sage Creek	52N	03W	02	NWSE	
032	Unnamed Stream	Sage Creek	52N	03W	02	SWNE	
033	Unnamed Stream	Barker Creek	53N	02W	14		
034	Barker Creek	Unnamed Stream	53N	02W	22		
035	Unnamed Stream	Barker Creek	53N	02W	22		
036	Unnamed Stream	Barker Creek	53N	02W	22		
037	Unnamed Stream	Trapper Creek	53N	02W	22		
038	Barker Creek	Unnamed Stream	53N	02W	23		
039	Unnamed Stream	Barker Creek	53N	02W	23		
040	Barker Creek	Unnamed Stream	53N	02W	26		
041	Unnamed Stream	Roush Creek	53N	02W	26		
042	Trapper Creek	Lewellen Creek	53N	02W	27		
043	Unnamed Stream	Roush Creek	53N	02W	27		
044	Unnamed Stream	Trapper Creek	53N	02W	27		
045	Unnamed Stream	Trapper Creek	53N	02W	27		
046	Unnamed Stream	Trapper Creek	53N	02W	27		
047	Unnamed Stream	Trapper Creek	53N	02W	27		
048	Trapper Creek	Lewellen Creek	53N	02W	28	NENE	
049	Trapper Creek	Lewellen Creek	53N	02W	28	SENE	
050	Unnamed Stream	Trapper Creek	53N	02W	28	SENE	
051	Trapper Creek	Lewellen Creek	53N	02W	28	SWNE	
052	Roush Creek	Lewellen Creek	53N	02W	28	SWSE	
053	Unnamed Stream	Roush Creek	53N	02W	33	NESE	
054	Unnamed Stream	Roush Creek	53N	02W	33	NESE	
055	Roush Creek	Lewellen Creek	53N	02W	33	NWNE	
056	Unnamed Stream	Green Creek	53N	02W	33	NWSE	
057	Unnamed Stream	Roush Creek	53N	02W	33	SENE	
058	Unnamed Stream	Lewellen Creek	53N	02W	33	SWNE	
059	Unnamed Stream	Roush Creek	53N	02W	34	NENE	

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	Roush Creek	53N	02W	34	NENE	
061	Unnamed Stream	Roush Creek	53N	02W	34	NENW	
062	Roush Creek	Lewellen Creek	53N	02W	34	NESE	
063	Unnamed Stream	Lewellen Creek	53N	02W	34	NESW	
064	Unnamed Stream	Roush Creek	53N	02W	34	NWNE	
065	Unnamed Stream	Roush Creek	53N	02W	34	NWNE	
066	Unnamed Stream	Roush Creek	53N	02W	34	NWNE	
067	Roush Creek	Lewellen Creek	53N	02W	34	NWSE	
068	Unnamed Stream	Roush Creek	53N	02W	34	NWSW	
069	Unnamed Stream	Roush Creek	53N	02W	34	SENE	
070	Roush Creek	Lewellen Creek	53N	02W	34	SENW	
071	Unnamed Stream	Lewellen Creek	53N	02W	34	SENW	
072	Roush Creek	Lewellen Creek	53N	02W	34	SESE	
073	Roush Creek	Lewellen Creek	53N	02W	34	SWNE	
074	Unnamed Stream	Roush Creek	53N	02W	35		
075	Unnamed Stream	Roush Creek	53N	02W	35		

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

