

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. 95-17434

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.05 cfs

Right Nos. 95-12649 and 95-17434 are limited to a total combined diversion rate of 0.05 cfs.

Right Nos. 95-17410A, 95-17410B, 95-17410C, 95-17410D, 95-17410E, 95-17410F, 95-17410G, 95-17429, 95-17433 and 95-17434 are limited to a total combined annual diversion volume of 24.20 AF.

PRIORITY DATE: 07/13/1935

POINT OF DIVERSION: T48N R04W S27 NWNW Within Kootenai County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE
ADMINISTRATIVE 01/01 - 12/31

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 Coeur d'Alene Lake subwatershed (HUC12 170103030406), Rathdrum Prairie-Spokane River subwatershed (HUC12 170103050200), Fernan Lake subwatershed (HUC12 170103030405), Wolf Lodge Creek subwatershed (HUC12 170103030302), Cedar Creek subwatershed (HUC12 170103030301), Killarney Lake subwatershed (HUC12 170103030201), Anderson Lake-Coeur d'Alene River subwatershed (HUC12 170103030203), Black Lake-Coeur d'Alene River subwatershed (HUC12 170103030202), Pedee Creek Saint Joe River subwatershed (HUC12 170103041104), Plummer Creek subwatershed (HUC12 170103041103), North Fork Rock Creek subwatershed (HUC12 170103060204), Lake Creek subwatershed (HUC12 170103030401), Fighting Creek subwatershed (HUC12 170103030402) and Mica Creek subwatershed (HUC12 170103030403).

See Attachment 1.

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

