

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. 95-17412C

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 Yellowbanks Creek-Hayden Creek subwatershed (HUC12 170103050102).

QUANTITY: 1.000 CFS
 15.80 AFY

The quantity under this water right is limited to up to 15.80 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. 95-17412A, 95-17412B, 95-17412C, 95-17412D, 95-17412E, 95-17412F, 95-17412G and 95-17431 are limited to a total combined annual diversion volume of 15.800 acre feet.

PRIORITY DATE: 04/11/1969

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 15.80 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 Yellowbanks Creek-Hayden Creek subwatershed (HUC12 170103050102), Rathdrum Prairie-Spokane River subwatershed (HUC12 170103050200), Sage Creek subwatershed (HUC12 170103050301), Fernan Lake subwatershed (HUC12 170103030405), Hayden Creek subwatershed (HUC12 170103050101), Iron Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010601) and Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602).

See Attachment 3.

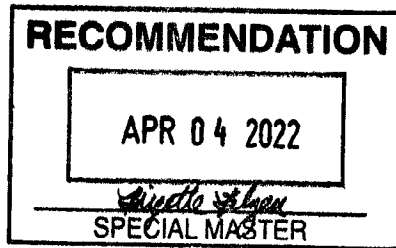
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	Yellowbanks Creek	Lake Hayden	51N	02W	18	SESE	L 4
003	Three Forks Creek	Mokins Creek	51N	02W	04		
004	Two Forks Creek	Three Forks Creek	51N	02W	04		
005	Unnamed Stream	Two Forks Creek	51N	02W	04		
006	Nilsen Creek	Mokins Creek	51N	02W	05		
007	Unnamed Stream	Nilsen Creek	51N	02W	05		
008	Unnamed Stream	Nilsen Creek	51N	02W	05		
009	Unnamed Stream	Mokins Creek	51N	02W	05		
010	Unnamed Stream	Nilsen Creek	51N	02W	05		
011	Mokins Creek	Lake Hayden	51N	02W	07		
012	Jim Creek	Lake Hayden	51N	02W	08		
013	Mokins Creek	Lake Hayden	51N	02W	08		
014	Three Forks Creek	Mokins Creek	51N	02W	08		
015	Unnamed Stream	Mokins Creek	51N	02W	08		
016	Unnamed Stream	Mokins Creek	51N	02W	08		
017	Unnamed Stream	Mokins Creek	51N	02W	08		
018	Mokins Creek	Lake Hayden	51N	02W	09		
019	Three Forks Creek	Mokins Creek	51N	02W	09		
020	Unnamed Stream	Mokins Creek	51N	02W	09		
021	Unnamed Stream	Mokins Creek	51N	02W	09		
022	Unnamed Stream	Mokins Creek	51N	02W	09		
023	Unnamed Stream	Mokins Creek	51N	02W	09		
024	Unnamed Stream	Mokins Creek	51N	02W	09		
025	Nilsen Creek	Mokins Creek	51N	03W	01		
026	Unnamed Stream	Nilsen Creek	51N	03W	01		
027	Unnamed Stream	Nilsen Creek	51N	03W	01		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
028	Mokins Creek	Lake Hayden	51N	03W	11		
029	Nilsen Creek	Mokins Creek	51N	03W	11		
030	Unnamed Stream	Lake Hayden	51N	03W	11		
031	Mokins Creek	Lake Hayden	51N	03W	12		
032	Nilsen Creek	Mokins Creek	51N	03W	12		
033	Unnamed Stream	Nilsen Creek	51N	03W	12		
034	Jim Creek	Lake Hayden	51N	03W	13	NWNW	
035	Jim Creek	Lake Hayden	51N	03W	14		
036	Unnamed Stream	Yellowbanks Creek	51N	03W	14		
037	Yellowbanks Creek	Lake Hayden	51N	03W	14		
038	Harrison Creek	Lake Hayden	51N	03W	21		
039	Harrison Creek	Lake Hayden	51N	03W	22		
040	Unnamed Stream	Colburn Creek	51N	03W	22		
041	Colburn Creek	Lake Hayden	51N	03W	23		
042	Unnamed Stream	Yellowbanks Creek	51N	03W	23		
043	Unnamed Stream	Lake Hayden	51N	03W	23		
044	Unnamed Stream	Lake Hayden	51N	03W	23		
045	Unnamed Stream	Colburn Creek	51N	03W	23		
046	Unnamed Stream	Yellowbanks Creek	51N	03W	24	NENW	
047	Unnamed Stream	Yellowbanks Creek	51N	03W	24	SENW	
048	McLeans Creek	Lake Hayden	51N	03W	03		
049	Unnamed Stream	Lake Hayden	51N	03W	09		

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
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95-17412D
95-17412E
95-17412F
95-17412G
95-17413
95-17414A
95-17414B
95-17414C
95-17414D
95-17414E
95-17414F

Attachment 3

