

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. 94-09548A

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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 Deer Creek-North Fork Coeur d'Alene River subwatershed(HUC12 170103010102).

QUANTITY: 1.000 CFS  
26.00 AFY

The quantity under this water right is limited to up to 26.00 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. 94-09547A thru 94-09582E.

See Attachment 2.

Right nos. 94-09548A and 94-09548B are limited to a total combined annual diversion volume of 26.00 acre feet per year.

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 26.00 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 Deer Creek-North Fork Coeur d'Alene River subwatershed(HUC12 170103010102), Spruce Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010101), Independence Creek subwatershed (HUC12 170103010203), Cataract Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010104), Elk Creek subwatershed (HUC12 170102131305) and Twin Creek subwatershed (HUC12 170102131308).

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	Clark Creek	North Fork Coeur d'Alene River	53N	02E	01		
003	Sluice Creek	North Fork Coeur d'Alene River	53N	02E	01		
004	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	01		
005	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	01		
006	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	02		
007	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	02		
008	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	02		
009	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	02		
010	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	02		
011	Wren Creek	North Fork Coeur d'Alene River	53N	02E	02		
012	Devil Creek	North Fork Coeur d'Alene River	53N	02E	03		
013	Imp Creek	Devil Creek	53N	02E	03		
014	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	03		
015	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	03		
016	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	03		
017	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	03		
018	Devil Creek	North Fork Coeur d'Alene River	53N	02E	04		
019	Marten Creek	North Fork Coeur d'Alene River	53N	02E	04		
020	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	04		
021	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	04		
022	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	04		
023	Devil Creek	North Fork Coeur d'Alene River	53N	02E	05		
024	Unnamed Stream	Devil Creek	53N	02E	05		
025	Unnamed Stream	Devil Creek	53N	02E	05		
026	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	05		
027	Devil Creek	North Fork Coeur d'Alene River	53N	02E	06		
028	Unnamed Stream	Devil Creek	53N	02E	06		
029	Devil Creek	North Fork Coeur d'Alene River	53N	02E	08		
030	Unnamed Stream	Devil Creek	53N	02E	08		
031	Unnamed Stream	Devil Creek	53N	02E	08		
032	Unnamed Stream	Devil Creek	53N	02E	08		
033	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	08		
034	Devil Creek	North Fork Coeur d'Alene River	53N	02E	09		
035	Unnamed Stream	Devil Creek	53N	02E	09		
036	Unnamed Stream	Devil Creek	53N	02E	09		
037	Unnamed Stream	Devil Creek	53N	02E	09		
038	Unnamed Stream	Devil Creek	53N	02E	09		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
039	Imp Creek	Devil Creek	53N	02E	10		
040	Unnamed Stream	Imp Creek	53N	02E	10		
041	Unnamed Stream	Imp Creek	53N	02E	10		
042	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	10		
043	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	10		
044	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	11		
045	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
046	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
047	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
048	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
049	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
050	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
051	Clark Creek	North Fork Coeur d'Alene River	53N	02E	12		
052	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	12		
053	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
054	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
055	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
056	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
057	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
058	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
059	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
060	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
061	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
062	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	13		
063	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	13		
064	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	13		
065	Imp Creek	Devil Creek	53N	02E	15		
066	Deer Creek	North Fork Coeur d'Alene River	53N	03E	05		
067	Unnamed Stream	Deer Creek	53N	03E	05		
068	Unnamed Stream	Deer Creek	53N	03E	05		
069	Unnamed Stream	Deer Creek	53N	03E	05		
070	Unnamed Stream	Deer Creek	53N	03E	05		
071	Unnamed Stream	Deer Creek	53N	03E	05		
072	Sluice Creek	North Fork Coeur d'Alene River	53N	03E	06		
073	Unnamed Stream	Deer Creek	53N	03E	06		
074	Unnamed Stream	Deer Creek	53N	03E	06		
075	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	06		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
076	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	06		
077	Unnamed Stream	Sluice Creek	53N	03E	06		
078	Unnamed Stream	Sluice Creek	53N	03E	06		
079	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	07		
080	Sluice Creek	North Fork Coeur d'Alene River	53N	03E	07		
081	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
082	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
083	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
084	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
085	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
086	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
087	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
088	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
089	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	07		
090	Deer Creek	North Fork Coeur d'Alene River	53N	03E	08		
091	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	08		
092	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	08		
093	Blacktail Creek	Deer Creek	54N	02E	13		
094	Blacktail Creek	Deer Creek	54N	02E	24		
095	Unnamed Stream	Blacktail Creek	54N	02E	24		
096	Unnamed Stream	Blacktail Creek	54N	02E	24		
097	Unnamed Stream	Blacktail Creek	54N	02E	24		
098	Unnamed Stream	Blacktail Creek	54N	02E	25		
099	Unnamed Stream	Whitetail Creek	54N	02E	25		
100	Unnamed Stream	Whitetail Creek	54N	02E	25		
101	Unnamed Stream	Marten Creek	54N	02E	26		
102	Unnamed Stream	Whitetail Creek	54N	02E	26		
103	Unnamed Stream	Whitetail Creek	54N	02E	26		
104	Unnamed Stream	Marten Creek	54N	02E	27		
105	Marten Creek	North Fork Coeur d'Alene River	54N	02E	33	NESE	
106	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	NESW	
107	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	NWSE	
108	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	NWSW	
109	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	SENW	
110	Marten Creek	North Fork Coeur d'Alene River	54N	02E	33	SESE	
111	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	SWNE	
112	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	SWNW	

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
113	Marten Creek	North Fork Coeur d'Alene River	54N	02E	33	SWSE	
114	Marten Creek	North Fork Coeur d'Alene River	54N	02E	34		
115	Unnamed Stream	Marten Creek	54N	02E	34		
116	Unnamed Stream	Marten Creek	54N	02E	34		
117	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	34		
118	Clark Creek	North Fork Coeur d'Alene River	54N	02E	35		
119	Marten Creek	North Fork Coeur d'Alene River	54N	02E	35		
120	Unnamed Stream	Whitetail Creek	54N	02E	35		
121	Whitetail Creek	Deer Creek	54N	02E	35		
122	Wren Creek	North Fork Coeur d'Alene River	54N	02E	35		
123	Clark Creek	North Fork Coeur d'Alene River	54N	02E	36		
124	Sluice Creek	North Fork Coeur d'Alene River	54N	02E	36		
125	Unnamed Stream	Whitetail Creek	54N	02E	36		
126	Unnamed Stream	Whitetail Creek	54N	02E	36		
127	Unnamed Stream	Whitetail Creek	54N	02E	36		
128	Unnamed Stream	Whitetail Creek	54N	02E	36		
129	Unnamed Stream	Whitetail Creek	54N	02E	36		
130	Unnamed Stream	Whitetail Creek	54N	02E	36		
131	Whitetail Creek	Deer Creek	54N	02E	36		
132	Unnamed Stream	Blacktail Creek	54N	03E	17		
133	Blacktail Creek	Deer Creek	54N	03E	18		
134	Unnamed Stream	Blacktail Creek	54N	03E	18		
135	Blacktail Creek	Deer Creek	54N	03E	19		
136	Unnamed Stream	Blacktail Creek	54N	03E	19		
137	Unnamed Stream	Blacktail Creek	54N	03E	19		
138	Unnamed Stream	Blacktail Creek	54N	03E	19		
139	Unnamed Stream	Blacktail Creek	54N	03E	19		
140	Unnamed Stream	Blacktail Creek	54N	03E	19		
141	Unnamed Stream	Blacktail Creek	54N	03E	20		
142	Unnamed Stream	Blacktail Creek	54N	03E	20		
143	Unnamed Stream	Blacktail Creek	54N	03E	20		
144	Unnamed Stream	Blacktail Creek	54N	03E	20		
145	Unnamed Stream	Blacktail Creek	54N	03E	29		
146	Unnamed Stream	Blacktail Creek	54N	03E	29		
147	Blacktail Creek	Deer Creek	54N	03E	30		
148	Unnamed Stream	Blacktail Creek	54N	03E	30		
149	Unnamed Stream	Blacktail Creek	54N	03E	30		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
150	Unnamed Stream	Blacktail Creek	54N	03E	30		
151	Unnamed Stream	Blacktail Creek	54N	03E	30		
152	Unnamed Stream	Blacktail Creek	54N	03E	30		
153	Unnamed Stream	Whitetail Creek	54N	03E	30		
154	Unnamed Stream	Whitetail Creek	54N	03E	30		
155	Blacktail Creek	Deer Creek	54N	03E	31		
156	Unnamed Stream	Whitetail Creek	54N	03E	31		
157	Unnamed Stream	Whitetail Creek	54N	03E	31		
158	Unnamed Stream	Whitetail Creek	54N	03E	31		
159	Unnamed Stream	Whitetail Creek	54N	03E	31		
160	Unnamed Stream	Whitetail Creek	54N	03E	31		
161	Unnamed Stream	Whitetail Creek	54N	03E	31		
162	Whitetail Creek	Deer Creek	54N	03E	31		
163	Blacktail Creek	Deer Creek	54N	03E	32		
164	Deer Creek	North Fork Coeur d'Alene River	54N	03E	32		
165	Unnamed Stream	Blacktail Creek	54N	03E	32		
166	Unnamed Stream	Deer Creek	54N	03E	32		
167	Whitetail Creek	Deer Creek	54N	03E	32		

Attachment 2

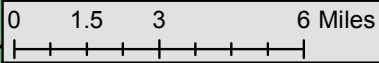
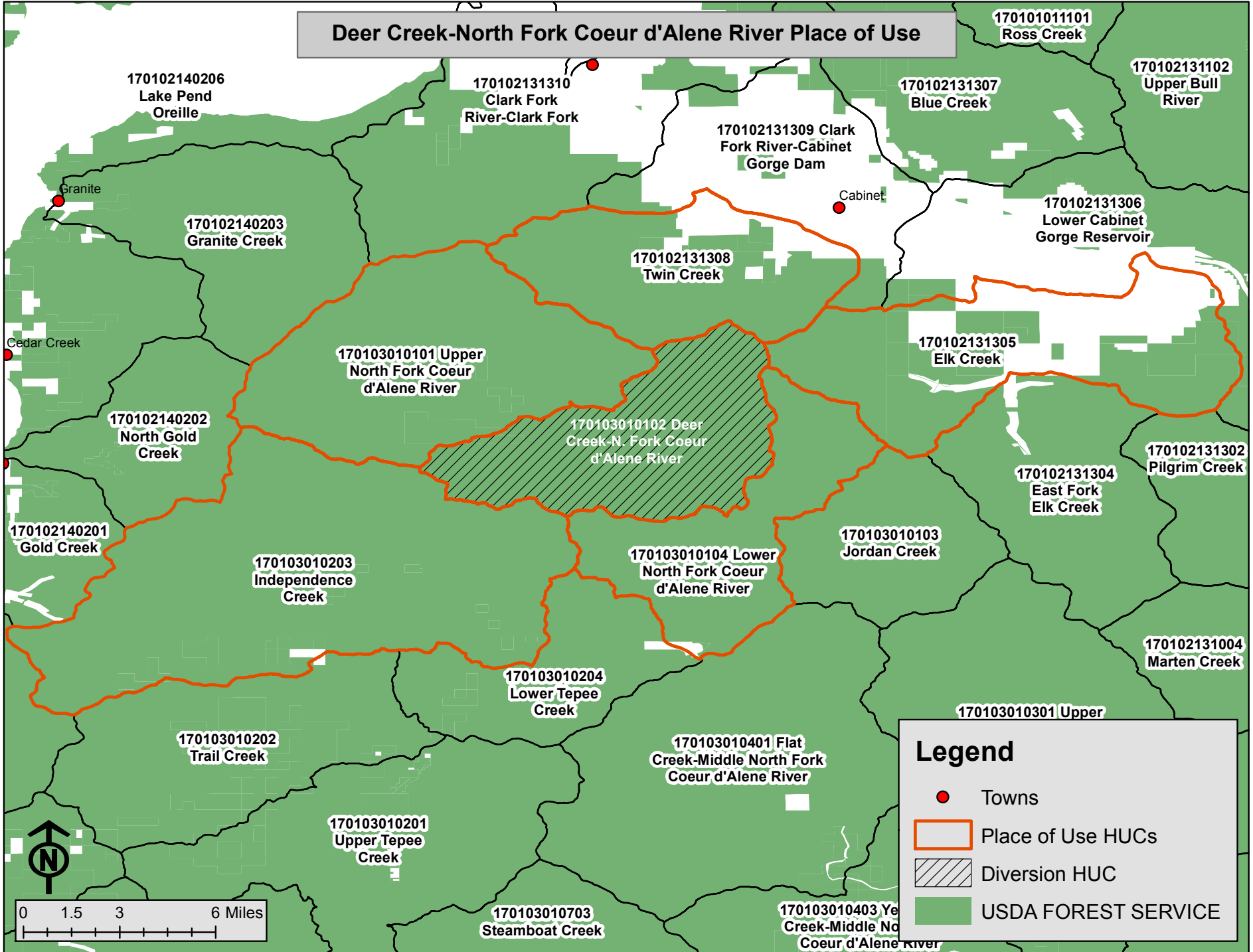
94-09547 A	94-09559 B	94-09565 G	94-09569 E
94-09547 B	94-09559 C	94-09565 H	94-09569 F
94-09548 A	94-09559 D	94-09565 I	94-09569 G
94-09548 B	94-09559 E	94-09565 J	94-09569 H
94-09549	94-09559 F	94-09565 K	94-09569 I
94-09550 A	94-09559 G	94-09565 L	94-09570 A
94-09550 B	94-09559 H	94-09565 M	94-09570 B
94-09551 A	94-09560 A	94-09565 N	94-09570 C
94-09551 B	94-09560 B	94-09565 O	94-09570 D
94-09551 C	94-09561 A	94-09565 P	94-09570 E
94-09551 D	94-09561 B	94-09565 Q	94-09570 F
94-09551 E	94-09561 C	94-09565 R	94-09570 G
94-09551 F	94-09562 A	94-09565 S	94-09571 A
94-09551 G	94-09562 B	94-09565 T	94-09571 B
94-09551 H	94-09562 C	94-09565 U	94-09571 C
94-09551 I	94-09563 A	94-09565 V	94-09572
94-09552 A	94-09563 B	94-09565 W	94-09573 A
94-09552 B	94-09563 C	94-09565 X	94-09573 B
94-09552 C	94-09563 D	94-09565 Y	94-09574
94-09552 D	94-09563 E	94-09566 A	94-09575 A
94-09552 E	94-09563 F	94-09566 B	94-09575 B
94-09552 F	94-09563 G	94-09566 C	94-09576
94-09552 G	94-09563 H	94-09567 A	94-09577 A
94-09552 H	94-09563 I	94-09567 B	94-09577 B
94-09552 I	94-09563 J	94-09567 C	94-09578 A
94-09552 J	94-09563 K	94-09567 D	94-09578 B
94-09553 A	94-09563 L	94-09567 E	94-09578 C
94-09553 B	94-09563 M	94-09567 F	94-09578 D
94-09553 C	94-09563 N	94-09567 G	94-09578 E
94-09553 D	94-09563 O	94-09567 H	94-09578 F
94-09553 E	94-09564 A	94-09567 I	94-09578 G
94-09553 F	94-09564 B	94-09567 J	94-09578 H
94-09553 G	94-09564 C	94-09567 K	94-09578 I
94-09553 H	94-09564 D	94-09567 L	94-09578 J
94-09553 I	94-09564 E	94-09567 M	94-09578 K
94-09554 A	94-09564 F	94-09567 N	94-09578 L
94-09554 B	94-09564 G	94-09567 O	94-09578 M
94-09554 C	94-09564 H	94-09567 P	94-09578 N
94-09554 D	94-09564 I	94-09568 A	94-09579 A
94-09555 A	94-09564 J	94-09568 B	94-09579 B
94-09555 B	94-09564 K	94-09568 C	94-09579 C
94-09555 C	94-09564 L	94-09568 D	94-09579 D
94-09556 A	94-09564 M	94-09568 E	94-09579 E
94-09556 B	94-09564 N	94-09568 F	94-09579 F
94-09556 C	94-09565 A	94-09568 G	94-09579 G
94-09557 A	94-09565 B	94-09568 H	94-09579 H
94-09557 B	94-09565 C	94-09569 A	94-09579 I
94-09558 A	94-09565 D	94-09569 B	94-09579 J
94-09558 B	94-09565 E	94-09569 C	94-09579 K
94-09559 A	94-09565 F	94-09569 D	94-09579 L



## Attachment 2

94-09579 M  
94-09580 A  
94-09580 B  
94-09580 C  
94-09580 D  
94-09580 E  
94-09580 F  
94-09580 G  
94-09580 H  
94-09580 I  
94-09580 J  
94-09580 K  
94-09580 L  
94-09581 A  
94-09581 B  
94-09581 C  
94-09581 D  
94-09582 A  
94-09582 B  
94-09582 C  
94-09582 D  
94-09582 E

Deer Creek-North Fork Coeur d'Alene River Place of Use



Legend

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