

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. 94-09552A

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 Trail Creek subwatershed (HUC12 170103010202).

QUANTITY: 1.000 CFS
29.80 AFY

The quantity under this water right is limited to up to 29.80 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. 94-09547A thru 94-09582E.

See Attachment 2.

Right nos. 94-09552A, 94-09552B, 94-09552C, 94-09552D, 94-09552E, 94-09552F, 94-09552G, 94-09552H, 94-09552I and 94-09552J are limited to a total combined annual diversion volume of 29.80 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 29.80 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 Trail Creek subwatershed (HUC12 170103010202), Iron Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010601), Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602), Independence Creek subwatershed (HUC12 170103010203), Lower Tepee Creek subwatershed (HUC12 170103010204) and Upper Tepee Creek subwatershed (HUC12 170103010201).

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

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
002	South Fork Potter Creek	Potter Creek	51N	01E	05		
003	Unnamed Stream	Potter Creek	51N	01E	05		
004	Unnamed Stream	South Fork Potter Creek	51N	01E	05		
005	South Fork Potter Creek	Potter Creek	51N	01E	06		
006	Unnamed Stream	South Fork Potter Creek	51N	01E	06		
007	Unnamed Stream	South Fork Potter Creek	51N	01E	06		
008	Unnamed Stream	Bear Creek	52N	01E	01		
009	Unnamed Stream	Callis Creek	52N	01E	07		
010	Unnamed Stream	Callis Creek	52N	01E	07		
011	Unnamed Stream	Callis Creek	52N	01E	08		
012	Unnamed Stream	Callis Creek	52N	01E	08		
013	Unnamed Stream	Callis Creek	52N	01E	08		
014	Hamilton Creek	Trail Creek	52N	01E	09		
015	North Fork Callis Creek	Callis Creek	52N	01E	09		
016	Unnamed Stream	Hamilton Creek	52N	01E	09		
017	Dresser Creek	Trail Creek	52N	01E	10		
018	Hamilton Creek	Trail Creek	52N	01E	10		
019	Unnamed Stream	Hamilton Creek	52N	01E	10		
020	Bear Creek	Trail Creek	52N	01E	11		
021	Unnamed Stream	Dresser Creek	52N	01E	11		
022	Unnamed Stream	Dresser Creek	52N	01E	11		
023	Unnamed Stream	Dresser Creek	52N	01E	11		
024	Bear Creek	Trail Creek	52N	01E	12		
025	Unnamed Stream	Bear Creek	52N	01E	12		
026	Unnamed Stream	Bear Creek	52N	01E	12		
027	Bear Creek	Trail Creek	52N	01E	13		
028	Unnamed Stream	Bear Creek	52N	01E	13		
029	Unnamed Stream	West Bear Creek	52N	01E	13		
030	Unnamed Stream	West Bear Creek	52N	01E	13		
031	West Bear Creek	Bear Creek	52N	01E	13		
032	Unnamed Stream	West Bear Creek	52N	01E	14	NENE	

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
033	West Bear Creek	Bear Creek	52N	01E	14	NENE	
034	Dresser Creek	Trail Creek	52N	01E	14	NENW	
035	Unnamed Stream	Dresser Creek	52N	01E	14	NENW	
036	Unnamed Stream	West Bear Creek	52N	01E	14	NESE	
037	Dresser Creek	Trail Creek	52N	01E	14	NESW	
038	Unnamed Stream	Dresser Creek	52N	01E	14	NWNE	
039	Dresser Creek	Trail Creek	52N	01E	14	NWNW	
040	Unnamed Stream	Dresser Creek	52N	01E	14	NWNW	
041	Unnamed Stream	Dresser Creek	52N	01E	14	NWNW	
042	Unnamed Stream	West Bear Creek	52N	01E	14	NWSE	
043	Unnamed Stream	West Bear Creek	52N	01E	14	SENE	
044	Dresser Creek	Trail Creek	52N	01E	14	SENW	
045	Unnamed Stream	Dresser Creek	52N	01E	14	SENW	
046	Unnamed Stream	Trail Creek	52N	01E	14	SESE	
047	Unnamed Stream	West Bear Creek	52N	01E	14	SESE	
048	Unnamed Stream	West Bear Creek	52N	01E	14	SWNE	
049	Unnamed Stream	Trail Creek	52N	01E	14	SWNW	
050	Dresser Creek	Trail Creek	52N	01E	15	NENE	
051	Hamilton Creek	Trail Creek	52N	01E	15	NENW	
052	Unnamed Stream	Trail Creek	52N	01E	15	NESE	
053	Hamilton Creek	Trail Creek	52N	01E	15	NESW	
054	Hamilton Creek	Trail Creek	52N	01E	15	NWNW	
055	Unnamed Stream	Hamilton Creek	52N	01E	15	NWNW	
056	Unnamed Stream	Trail Creek	52N	01E	15	SENE	
057	Hamilton Creek	Trail Creek	52N	01E	15	SENW	
058	Unnamed Stream	Trail Creek	52N	01E	15	SWSW	
059	Unnamed Stream	Callis Creek	52N	01E	17	NESW	
060	Unnamed Stream	Callis Creek	52N	01E	17	NWNE	
061	Unnamed Stream	Callis Creek	52N	01E	17	NWNW	
062	Unnamed Stream	Callis Creek	52N	01E	17	NWNW	
063	Unnamed Stream	Callis Creek	52N	01E	17	NWSE	

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
064	Unnamed Stream	Callis Creek	52N	01E	17	SWNE	
065	Unnamed Stream	Callis Creek	52N	01E	17	SWNW	
066	Callis Creek	Trail Creek	52N	01E	18		
067	Unnamed Stream	Callis Creek	52N	01E	18		
068	Unnamed Stream	Callis Creek	52N	01E	18		
069	Unnamed Stream	Callis Creek	52N	01E	18		
070	Unnamed Stream	Callis Creek	52N	01E	18		
071	Unnamed Stream	Callis Creek	52N	01E	18		
072	Unnamed Stream	Callis Creek	52N	01E	18		
073	Unnamed Stream	Callis Creek	52N	01E	18		
074	Unnamed Stream	Callis Creek	52N	01E	19		
075	Unnamed Stream	Stewart Creek	52N	01E	19		
076	Unnamed Stream	Stewart Creek	52N	01E	19		
077	Unnamed Stream	Stewart Creek	52N	01E	19		
078	Callis Creek	Trail Creek	52N	01E	20	NENE	
079	Unnamed Stream	Callis Creek	52N	01E	20	NENE	
080	Unnamed Stream	Stewart Creek	52N	01E	20	NESE	
081	Unnamed Stream	Stewart Creek	52N	01E	20	NWSW	
082	Unnamed Stream	Stewart Creek	52N	01E	20	SESE	
083	Unnamed Stream	Stewart Creek	52N	01E	20	SESW	
084	Unnamed Stream	Stewart Creek	52N	01E	20	SWSW	
085	Callis Creek	Trail Creek	52N	01E	21	NESW	
086	Callis Creek	Trail Creek	52N	01E	21	NWNW	
087	North Fork Callis Creek	Callis Creek	52N	01E	21	NWNW	
088	Callis Creek	Trail Creek	52N	01E	21	SENW	
089	Unnamed Stream	Callis Creek	52N	01E	21	SESW	
090	Callis Creek	Trail Creek	52N	01E	21	SWNW	
091	Unnamed Stream	Callis Creek	52N	01E	21	SWSW	
092	Trail Creek	Tepee Creek	52N	01E	22	NESW	
093	Trail Creek	Tepee Creek	52N	01E	22	NWNE	
094	Unnamed Stream	Trail Creek	52N	01E	22	NWNW	

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
095	Trail Creek	Tepee Creek	52N	01E	22	SENW	
096	Unnamed Stream	Trail Creek	52N	01E	22	SENW	
097	Unnamed Stream	Trail Creek	52N	01E	23	NENE	
098	Trail Creek	Tepee Creek	52N	01E	23	NESE	
099	Unnamed Stream	Trail Creek	52N	01E	23	NWNE	
100	Trail Creek	Tepee Creek	52N	01E	23	NWSE	
101	Unnamed Stream	Trail Creek	52N	01E	23	NWSE	
102	Trail Creek	Tepee Creek	52N	01E	23	SWNE	
103	Unnamed Stream	Trail Creek	52N	01E	23	SWNE	
104	Bear Creek	Trail Creek	52N	01E	24	NENE	
105	West Bear Creek	Bear Creek	52N	01E	24	NENE	
106	Trail Creek	Tepee Creek	52N	01E	24	NESE	
107	West Bear Creek	Bear Creek	52N	01E	24	NWNE	
108	Unnamed Stream	Trail Creek	52N	01E	24	NWNW	
109	Trail Creek	Tepee Creek	52N	01E	24	NWSW	
110	Bear Creek	Trail Creek	52N	01E	24	SENE	
111	Trail Creek	Tepee Creek	52N	01E	24	SENE	
112	Unnamed Stream	Trail Creek	52N	01E	24	SENW	
113	Unnamed Stream	Trail Creek	52N	01E	24	SWNW	
114	Trail Creek	Tepee Creek	52N	01E	24	SWSE	
115	Unnamed Stream	Trail Creek	52N	01E	27	NENE	
116	Unnamed Stream	Trail Creek	52N	01E	27	NESW	
117	Unnamed Stream	Trail Creek	52N	01E	27	NWNE	
118	Unnamed Stream	Trail Creek	52N	01E	27	NWSE	
119	Unnamed Stream	Trail Creek	52N	01E	27	NWSW	
120	Unnamed Stream	Trail Creek	52N	01E	27	SENW	
121	Unnamed Stream	Trail Creek	52N	01E	27	SWSW	
122	Callis Creek	Trail Creek	52N	01E	28	NENE	
123	Potter Creek	Trail Creek	52N	01E	28	NESW	
124	Stewart Creek	Potter Creek	52N	01E	28	NESW	
125	Unnamed Stream	Stewart Creek	52N	01E	28	NESW	

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
126	Stewart Creek	Potter Creek	52N	01E	28	NWSW	
127	Potter Creek	Trail Creek	52N	01E	28	SESW	
128	Stewart Creek	Potter Creek	52N	01E	28	SESW	
129	Unnamed Stream	Stewart Creek	52N	01E	28	SESW	
130	Unnamed Stream	Stewart Creek	52N	01E	28	SWSW	
131	Stewart Creek	Potter Creek	52N	01E	29		
132	Unnamed Stream	Stewart Creek	52N	01E	29		
133	Unnamed Stream	Stewart Creek	52N	01E	29		
134	Unnamed Stream	Stewart Creek	52N	01E	29		
135	Unnamed Stream	Stewart Creek	52N	01E	29		
136	Unnamed Stream	Stewart Creek	52N	01E	29		
137	Stewart Creek	Potter Creek	52N	01E	30		
138	Unnamed Stream	Potter Creek	52N	01E	30		
139	Unnamed Stream	Stewart Creek	52N	01E	30		
140	Unnamed Stream	Stewart Creek	52N	01E	30		
141	Unnamed Stream	Stewart Creek	52N	01E	30		
142	Unnamed Stream	Stewart Creek	52N	01E	30		
143	Unnamed Stream	Stewart Creek	52N	01E	30		
144	Potter Creek	Trail Creek	52N	01E	31		
145	Unnamed Stream	Potter Creek	52N	01E	31		
146	Potter Creek	Trail Creek	52N	01E	32	NESE	
147	Unnamed Stream	Potter Creek	52N	01E	32	NESE	
148	Unnamed Stream	Potter Creek	52N	01E	32	NESE	
149	Potter Creek	Trail Creek	52N	01E	32	NESW	
150	Unnamed Stream	Potter Creek	52N	01E	32	NESW	
151	Potter Creek	Trail Creek	52N	01E	32	NWSE	
152	Unnamed Stream	Potter Creek	52N	01E	32	NWSE	
153	Potter Creek	Trail Creek	52N	01E	32	NWSW	
154	Unnamed Stream	Potter Creek	52N	01E	32	SESW	
155	Unnamed Stream	Potter Creek	52N	01E	32	SESE	
156	Potter Creek	Trail Creek	52N	01E	32	SESW	

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
157	South Fork Potter Creek	Potter Creek	52N	01E	32	SESW	
158	Potter Creek	Trail Creek	52N	01E	32	SWSE	
159	Unnamed Stream	Potter Creek	52N	01E	33	NESW	
160	Unnamed Stream	Potter Creek	52N	01E	33	NWNE	
161	Potter Creek	Trail Creek	52N	01E	33	NWSW	
162	Unnamed Stream	Potter Creek	52N	01E	33	SWNE	
163	Callis Creek	Trail Creek	52N	01W	13		
164	Unnamed Stream	Callis Creek	52N	01W	13		
165	Unnamed Stream	Callis Creek	52N	01W	13		
166	Unnamed Stream	Stewart Creek	52N	01W	23		
167	Unnamed Stream	Callis Creek	52N	01W	24		
168	Unnamed Stream	Stewart Creek	52N	01W	24		
169	Unnamed Stream	Stewart Creek	52N	01W	24		
170	Unnamed Stream	Stewart Creek	52N	01W	24		
171	Unnamed Stream	Stewart Creek	52N	01W	24		
172	Stewart Creek	Potter Creek	52N	01W	25		
173	Unnamed Stream	Stewart Creek	52N	01W	25		
174	Unnamed Stream	Stewart Creek	52N	01W	25		
175	Unnamed Stream	Stewart Creek	52N	01W	25		
176	Unnamed Stream	Stewart Creek	52N	01W	25		
177	Stewart Creek	Potter Creek	52N	01W	26		
178	Unnamed Stream	Stewart Creek	52N	01W	26		
179	Unnamed Stream	Stewart Creek	52N	01W	26		
180	Potter Creek	Trail Creek	52N	01W	36		
181	Unnamed Stream	Potter Creek	52N	01W	36		
182	Unnamed Stream	Potter Creek	52N	01W	36		
183	Trail Creek	Tepee Creek	52N	02E	19	SENW	
184	Trail Creek	Tepee Creek	52N	02E	19	SWNE	
185	Bear Creek	Trail Creek	52N	02E	19	SWNW	L 2
186	Trail Creek	Tepee Creek	52N	02E	19	SWNW	L 2
187	Unnamed Spring	Stewart Creek	52N	01W	26	SESE	

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

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

