

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. 94-09555B

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 Upper Shoshone Creek subwatershed (HUC12 170103010301).

QUANTITY: 1.000 CFS
41.70 AFY

The quantity under this water right is limited to up to 41.70 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. 94-09555A, 94-09555B, 94-09555C and 94-09597 are limited to a total combined annual diversion volume of 41.70 acre feet.

PRIORITY DATE: 01/03/1929

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 41.70 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 Upper Shoshone Creek subwatershed (HUC12 170103010302), Jordan Creek subwatershed (HUC12 170103010103), Yellow Dog Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Lower Shoshone Creek subwatershed (HUC12 170103010302) and Montana HUC12s East Fork Elk Creek subwatershed (HUC12 170102131304) and Marten Creek subwatershed (HUC12 170102131004).

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
01	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
02	Shoshone Creek	North Fork Coeur d'Alene River	51N	04E	04	NENW	L 3
03	Unnamed Stream	Shoshone Creek	51N	04E	04	NENW	L 3
04	Unnamed Stream	Shoshone Creek	51N	04E	04	NWNW	L 4
05	Unnamed Stream	Shoshone Creek	51N	04E	04	NWSW	
06	Unnamed Stream	Shoshone Creek	51N	04E	04	SWSW	
07	Rampike Creek	Shoshone Creek	52N	04E	28	NWNW	
08	Rampike Creek	Shoshone Creek	52N	04E	28	NWSW	
09	Unnamed Stream	Rampike Creek	52N	04E	28	NWSW	
10	Rampike Creek	Shoshone Creek	52N	04E	28	SWNW	
11	Unnamed Stream	Rampike Creek	52N	04E	28	SWNW	
12	Cabin Creek	Shoshone Creek	52N	04E	28	SWSE	
13	Rampike Creek	Shoshone Creek	52N	04E	28	SWSW	
14	Cabin Creek	Shoshone Creek	52N	04E	33	NENW	
15	Pine Flat Creek	Shoshone Creek	52N	04E	33	NENW	
16	Rampike Creek	Shoshone Creek	52N	04E	33	NENW	
17	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	33	NENW	
18	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	33	NESW	
19	Unnamed Stream	Shoshone Creek	52N	04E	33	NESW	
20	Cabin Creek	Shoshone Creek	52N	04E	33	NWNE	
21	Chute Creek	Shoshone Creek	52N	04E	33	SENE	
22	Cabin Creek	Shoshone Creek	52N	04E	33	SENW	
23	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	33	SENW	
24	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	33	SESW	
25	Pine Flat Creek	Shoshone Creek	52N	04E	33	SWNW	
26	Chute Creek	Shoshone Creek	52N	04E	33	SWSE	
27	Pipe Creek	Shoshone Creek	52N	04E	33	SWSE	
28	Shoshone Creek	North Fork Coeur d'Alene River	52N	04E	33	SWSE	
29	Pipe Creek	Shoshone Creek	52N	04E	34	NWSE	
30	Pipe Creek	Shoshone Creek	52N	04E	34	NWSW	
31	Pipe Creek	Shoshone Creek	52N	04E	34	SWSW	

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

