

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. 95-17407A

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 Cedar Creek subwatershed (HUC12 170103030301).

QUANTITY: 1.000 CFS
14.10 AFY

The quantity under this water right is limited to up to 14.10 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. 95-17407A, 95-17407B and 95-17407C are limited to a total combined annual diversion volume of 14.10 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 14.10 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 Cedar Creek subwatershed (HUC12 170103030301), Coeur d'Alene Lake subwatershed (HUC12 170103030406), Wolf Lodge Creek subwatershed (HUC12 170103030302), Fourth of July Creek subwatershed (HUC12 170103030102), Rose Creek-Coeur d'Alene River subwatershed (HUC12 170103030103) and Killarney Lake-Coeur d'Alene River subwatershed (HUC12 170103030201).

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	Cedar Creek	Wolf Lodge Creek	49N	01W	06		
003	Unnamed Stream	Cedar Creek	49N	01W	06		
004	Cedar Creek	Wolf Lodge Creek	49N	02W	01		
005	Unnamed Stream	Cedar Creek	49N	02W	01		
006	Cedar Creek	Wolf Lodge Creek	49N	02W	02		
007	Unnamed Stream	Cedar Creek	49N	02W	02		
008	Cedar Creek	Wolf Lodge Creek	49N	02W	03	NESW	
009	South Fork Cedar Creek	Cedar Creek	49N	02W	03	NESW	
010	Alder Creek	Cedar Creek	49N	02W	03	NWNW	L 5
011	Cedar Creek	Wolf Lodge Creek	49N	02W	03	NWNW	L 5
012	South Fork Cedar Creek	Cedar Creek	49N	02W	03	NWSE	
013	Cedar Creek	Wolf Lodge Creek	49N	02W	03	SENE	
014	Cedar Creek	Wolf Lodge Creek	49N	02W	03	SENW	
015	South Fork Cedar Creek	Cedar Creek	49N	02W	03	SENW	
016	South Fork Cedar Creek	Cedar Creek	49N	02W	03	SESE	
017	Unnamed Stream	South Fork Cedar Creek	49N	02W	03	SESW	
018	Cedar Creek	Wolf Lodge Creek	49N	02W	03	SWNE	
019	Cedar Creek	Wolf Lodge Creek	49N	02W	03	SWNW	
020	South Fork Cedar Creek	Cedar Creek	49N	02W	03	SWSE	
021	Unnamed Stream	South Fork Cedar Creek	49N	02W	03	SWSE	
022	Cedar Creek	Wolf Lodge Creek	49N	02W	04		
023	Unnamed Stream	Cedar Creek	49N	02W	04		
024	Unnamed Stream	Cedar Creek	49N	02W	08		
025	Unnamed Stream	Cedar Creek	49N	02W	09		
026	Unnamed Stream	South Fork Cedar Creek	49N	02W	09		
027	Unnamed Stream	South Fork Cedar Creek	49N	02W	09		
028	South Fork Cedar Creek	Cedar Creek	49N	02W	10		
029	Unnamed Stream	South Fork Cedar Creek	49N	02W	10		
030	Unnamed Stream	South Fork Cedar Creek	49N	02W	10		
031	Unnamed Stream	South Fork Cedar Creek	49N	02W	10		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
032	Unnamed Stream	South Fork Cedar Creek	49N	02W	10		
033	Unnamed Stream	South Fork Cedar Creek	49N	02W	10		
034	Unnamed Stream	South Fork Cedar Creek	49N	02W	10		
035	South Fork Cedar Creek	Cedar Creek	49N	02W	11		
036	Unnamed Stream	South Fork Cedar Creek	49N	02W	11		
037	Unnamed Stream	South Fork Cedar Creek	49N	02W	11		
038	Unnamed Stream	South Fork Cedar Creek	49N	02W	11		
039	Unnamed Stream	South Fork Cedar Creek	49N	02W	11		
040	South Fork Cedar Creek	Cedar Creek	49N	02W	14		
041	Unnamed Stream	South Fork Cedar Creek	49N	02W	14		
042	Unnamed Stream	South Fork Cedar Creek	49N	02W	14		
043	Unnamed Stream	South Fork Cedar Creek	49N	02W	14		
044	South Fork Cedar Creek	Cedar Creek	49N	02W	15		
045	Unnamed Stream	South Fork Cedar Creek	49N	02W	15		
046	Unnamed Stream	South Fork Cedar Creek	49N	02W	15		
047	Unnamed Stream	South Fork Cedar Creek	49N	02W	15		
048	Unnamed Stream	South Fork Cedar Creek	49N	02W	15		
049	South Fork Cedar Creek	Cedar Creek	49N	02W	16		
050	Unnamed Stream	South Fork Cedar Creek	49N	02W	16		
051	Alder Creek	Cedar Creek	50N	01W	31		
052	Cedar Creek	Wolf Lodge Creek	50N	01W	31		
053	Unnamed Stream	Cedar Creek	50N	01W	31		
054	Unnamed Stream	Alder Creek	50N	02W	25		
055	Unnamed Stream	Alder Creek	50N	02W	26		
056	Alder Creek	Cedar Creek	50N	02W	36		
057	Unnamed Stream	Alder Creek	50N	02W	36		
058	Unnamed Stream	Alder Creek	50N	02W	36		
059	Unnamed Stream	Alder Creek	50N	02W	36		

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

