

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. 95-17409A

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 Fernan Lake subwatershed (HUC12 170103030405).

QUANTITY: 1.000 CFS
14.20 AFY

The quantity under this water right is limited to up to 14.20 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. 95-17409A, 95-17409B, 95-17409C, 95-17409D, 95-17409E, 95-1740F, 95-17409G, 95-17409H and 95-17409I are limited to a total combined annual diversion volume of 14.200 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 14.20 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 Fernan Lake subwatershed (HUC12 170103030405), Coeur d'Alene Lake subwatershed (HUC12 170103030406), Rathdrum Prairie-Spokane River subwatershed (HUC12 170103050200), Yellowbanks Creek-Hayden Lake subwatershed (HUC12 170103050102), Wolf Lodge Creek subwatershed (HUC12 170103030302) 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	Unnamed Stream	Fernan Creek	50N	02W	06		
003	Unnamed Stream	Fernan Creek	50N	02W	06		
004	Unnamed Stream	Fernan Creek	50N	02W	07		
005	Unnamed Stream	Fernan Creek	50N	03W	02	NESW	
006	Unnamed Stream	Fernan Creek	50N	03W	02	NWSW	
007	Unnamed Stream	Fernan Creek	50N	03W	02	SENE	L 5
008	Unnamed Stream	Fernan Creek	50N	03W	02	SESE	L 7
009	Fernan Creek	Wolf Lodge Creek	50N	03W	02	SWNW	
010	Unnamed Stream	Fernan Creek	50N	03W	04	NENW	L 3
011	Unnamed Stream	Fernan Creek	50N	03W	04	SENE	
012	Unnamed Stream	Fernan Creek	50N	03W	04	SENE	
013	Unnamed Stream	Fernan Creek	50N	03W	04	SENE	
014	Unnamed Stream	Fernan Lake	50N	03W	14		
015	Fernan Creek	Wolf Lodge Creek	51N	02W	20		
016	Fernan Creek	Wolf Lodge Creek	51N	02W	21		
017	Unnamed Stream	Fernan Creek	51N	02W	21		
018	Unnamed Stream	Fernan Creek	51N	02W	28		
019	Unnamed Stream	Fernan Creek	51N	02W	28		
020	Fernan Creek	Wolf Lodge Creek	51N	02W	29		
021	Unnamed Stream	Fernan Creek	51N	02W	29		
022	Unnamed Stream	Fernan Creek	51N	02W	29		
023	Unnamed Stream	Fernan Creek	51N	02W	29		
024	Unnamed Stream	Fernan Creek	51N	02W	29		
025	Fernan Creek	Wolf Lodge Creek	51N	02W	30		
026	Unnamed Stream	Fernan Creek	51N	02W	31	SENE	L 2

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
027	Unnamed Stream	Fernan Creek	51N	02W	32		
028	Fernan Creek	Wolf Lodge Creek	51N	03W	25		
029	State Creek	Fernan Creek	51N	03W	25		
030	Unnamed Stream	State Creek	51N	03W	25		
031	Unnamed Stream	Fernan Creek	51N	03W	26		
032	Unnamed Stream	Fernan Creek	51N	03W	26		
033	Unnamed Stream	Fernan Creek	51N	03W	26		
034	Unnamed Stream	Fernan Creek	51N	03W	27		
035	Unnamed Stream	Fernan Creek	51N	03W	27		
036	Unnamed Stream	Fernan Creek	51N	03W	27		
037	Unnamed Stream	Fernan Creek	51N	03W	27		
038	Unnamed Stream	Fernan Creek	51N	03W	27		
039	Unnamed Stream	Fernan Creek	51N	03W	28		
040	Unnamed Stream	Unnamed Stream	51N	03W	32	NENE	
041	Unnamed Stream	Unnamed Stream	51N	03W	32	NWNE	
042	Unnamed Stream	Unnamed Stream	51N	03W	32	SWNE	
043	Unnamed Stream	Fernan Creek	51N	03W	33	SENE	
044	Unnamed Stream	Fernan Creek	51N	03W	34	NENE	
045	Unnamed Stream	Fernan Creek	51N	03W	34	NESW	
046	Unnamed Stream	Fernan Creek	51N	03W	34	NESW	
047	Unnamed Stream	Fernan Creek	51N	03W	34	NESW	
048	Unnamed Stream	Fernan Creek	51N	03W	34	NWNE	
049	Unnamed Stream	Fernan Creek	51N	03W	34	NWSW	
050	Unnamed Stream	Fernan Creek	51N	03W	34	SENE	
051	Unnamed Stream	Fernan Creek	51N	03W	34	SENW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
052	Unnamed Stream	Fernan Creek	51N	03W	34	SENW	
053	Unnamed Stream	Fernan Creek	51N	03W	34	SESW	
054	Unnamed Stream	Fernan Creek	51N	03W	34	SESW	
055	Unnamed Stream	Fernan Creek	51N	03W	34	SESW	
056	Unnamed Stream	Fernan Creek	51N	03W	34	SWNW	
057	Unnamed Stream	Fernan Creek	51N	03W	34	SWSW	
058	Fernan Creek	Wolf Lodge Creek	51N	03W	35	NESE	
059	Unnamed Stream	Fernan Creek	51N	03W	35	NESW	
060	Unnamed Stream	Fernan Creek	51N	03W	35	NESW	
061	Unnamed Stream	Fernan Creek	51N	03W	35	NWNE	
062	Unnamed Stream	Fernan Creek	51N	03W	35	NWNE	
063	Unnamed Stream	Fernan Creek	51N	03W	35	NWSW	
064	Fernan Creek	Wolf Lodge Creek	51N	03W	35	SESE	
065	Unnamed Stream	Fernan Creek	51N	03W	35	SESW	
066	Unnamed Stream	Fernan Creek	51N	03W	35	SESW	
067	Fernan Creek	Wolf Lodge Creek	51N	03W	35	SWSE	
068	Unnamed Stream	Fernan Creek	51N	03W	35	SWSE	
069	Unnamed Stream	Fernan Creek	51N	03W	35	SWSW	
070	Unnamed Stream	Fernan Creek	51N	03W	35	SWSW	

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

