

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. 95-17410A

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 Coeur d'Alene Lake subwatershed (HUC12 170103030406).

QUANTITY: 1.000 CFS
24.20 AFY

The quantity under this water right is limited to up to 24.20 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. 95-17410A 95-17410B, 95-17410C, 95-17410D, 95-17410E, 95-17410F, 95-17410G, 95-17429, 95-17433 and 95-17434 are limited to a total combined annual diversion volume of 24.20 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 24.20 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 Coeur d'Alene Lake subwatershed (HUC12 170103030406), Rathdrum Prairie-Spokane River subwatershed (HUC12 170103050200), Fernan Lake subwatershed (HUC12 170103030405), Wolf Lodge Creek subwatershed (HUC12 170103030302), Cedar Creek subwatershed (HUC12 170103030301), Killarney Lake subwatershed (HUC12 170103030201), Anderson Lake-Coeur d'Alene River subwatershed (HUC12 170103030203), Black Lake-Coeur d'Alene River subwatershed (HUC12 170103030202), Pedee Creek Saint Joe River subwatershed (HUC12 170103041104), Plummer Creek subwatershed (HUC12 170103041103), North Fork Rock Creek subwatershed (HUC12 170103060204), Lake Creek subwatershed (HUC12 170103030401), Fighting Creek subwatershed (HUC12 170103030402) and Mica Creek subwatershed (HUC12 170103030403).

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	Carlin Creek	48N	03W	03		
003	Unnamed Stream	Carlin Creek	48N	03W	03		
004	Carlin Creek	Spokane River	48N	03W	08		
005	Unnamed Stream	Carlin Creek	48N	03W	08		
006	Unnamed Stream	Carlin Creek	48N	03W	08		
007	Unnamed Stream	Carlin Creek	48N	03W	08		
008	Unnamed Stream	Carlin Creek	48N	03W	08		
009	Unnamed Stream	Carlin Creek	48N	03W	09		
010	Unnamed Stream	Carlin Creek	48N	03W	09		
011	Unnamed Stream	Carlin Creek	48N	03W	09		
012	Unnamed Stream	Spokane River	48N	03W	18		
013	Unnamed Stream	Beauty Creek	49N	02W	07		
014	Unnamed Stream	Beauty Creek	49N	02W	07		
015	Unnamed Stream	Wolf Lodge Creek	49N	02W	07		
016	Unnamed Stream	Wolf Lodge Creek	49N	02W	07		
017	Unnamed Stream	Beauty Creek	49N	02W	08		
018	Unnamed Stream	Varnum Creek	49N	02W	16		
019	Unnamed Stream	Varnum Creek	49N	02W	17		
020	Unnamed Stream	Varnum Creek	49N	02W	17		
021	Varnum Creek	Beauty Creek	49N	02W	17		
022	Beauty Creek	Wolf Lodge Creek	49N	02W	18		
023	Lost Man Creek	Varnum Creek	49N	02W	18		
024	Unnamed Stream	Beauty Creek	49N	02W	18		
025	Unnamed Stream	Beauty Creek	49N	02W	18		
026	Unnamed Stream	Varnum Creek	49N	02W	18		
027	Varnum Creek	Beauty Creek	49N	02W	18		
028	Beauty Creek	Wolf Lodge Creek	49N	02W	19		
029	Unnamed Stream	Beauty Creek	49N	02W	19		
030	Unnamed Stream	Beauty Creek	49N	02W	19		
031	Unnamed Stream	Beauty Creek	49N	02W	19		
032	Unnamed Stream	Beauty Creek	49N	02W	19		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
033	Unnamed Stream	Beauty Creek	49N	02W	19		
034	Unnamed Stream	Beauty Creek	49N	02W	20		
035	Unnamed Stream	Beauty Creek	49N	02W	20		
036	Unnamed Stream	Varnum Creek	49N	02W	20		
037	Unnamed Stream	Varnum Creek	49N	02W	20		
038	Varnum Creek	Beauty Creek	49N	02W	20		
039	Varnum Creek	Beauty Creek	49N	02W	21		
040	Unnamed Stream	Beauty Creek	49N	02W	29		
041	Beauty Creek	Wolf Lodge Creek	49N	02W	30		
042	South Fork Beauty Creek	Beauty Creek	49N	02W	30		
043	Unnamed Stream	Beauty Creek	49N	02W	30		
044	Unnamed Stream	Beauty Creek	49N	02W	30		
045	Unnamed Stream	Beauty Creek	49N	02W	30		
046	Unnamed Stream	Beauty Creek	49N	02W	30		
047	Beauty Creek	Wolf Lodge Creek	49N	02W	31		
048	South Fork Beauty Creek	Beauty Creek	49N	02W	31		
049	Unnamed Stream	Beauty Creek	49N	02W	31		
050	Unnamed Stream	Beauty Creek	49N	03W	11		
051	Unnamed Stream	Beauty Creek	49N	03W	11		
052	Beauty Creek	Wolf Lodge Creek	49N	03W	12		
053	Unnamed Stream	Beauty Creek	49N	03W	12		
054	Unnamed Stream	Beauty Creek	49N	03W	12		
055	Unnamed Stream	Beauty Creek	49N	03W	12		
056	Unnamed Stream	Beauty Creek	49N	03W	12		
057	Beauty Creek	Wolf Lodge Creek	49N	03W	13		
058	Caribou Creek	Beauty Creek	49N	03W	13		
059	Unnamed Stream	Beauty Creek	49N	03W	13		
060	Unnamed Stream	Caribou Creek	49N	03W	13		
061	Unnamed Stream	Caribou Creek	49N	03W	13		
062	Steamchet Creek	Wolf Lodge Creek	49N	03W	14		
063	Unnamed Stream	Beauty Creek	49N	03W	14		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
064	Unnamed Stream	Beauty Creek	49N	03W	14		
065	Unnamed Stream	Steamchet Creek	49N	03W	14		
066	Steamchet Creek	Wolf Lodge Creek	49N	03W	15	NESE	
067	Unnamed Stream	Steamchet Creek	49N	03W	15	NESW	
068	Unnamed Stream	Steamchet Creek	49N	03W	15	NESW	
069	Unnamed Stream	Steamchet Creek	49N	03W	15	NWSE	
070	Unnamed Stream	Steamchet Creek	49N	03W	15	NWSW	
071	Unnamed Stream	Steamchet Creek	49N	03W	15	SESW	
072	Unnamed Stream	Turner Creek	49N	03W	15	SESW	
073	Turner Creek	Spokane River	49N	03W	22		
074	Unnamed Stream	Turner Creek	49N	03W	22		
075	Unnamed Stream	Turner Creek	49N	03W	22		
076	Caribou Creek	Beauty Creek	49N	03W	23		
077	Unnamed Stream	Beauty Creek	49N	03W	23		
078	Unnamed Stream	Pleasant Creek	49N	03W	23		
079	Unnamed Stream	Pleasant Creek	49N	03W	23		
080	Unnamed Stream	Turner Creek	49N	03W	23		
081	Unnamed Stream	Turner Creek	49N	03W	23		
082	Caribou Creek	Beauty Creek	49N	03W	24		
083	Pleasant Creek	Carlin Creek	49N	03W	24		
084	Unnamed Stream	Beauty Creek	49N	03W	24		
085	Unnamed Stream	Beauty Creek	49N	03W	24		
086	Unnamed Stream	Beauty Creek	49N	03W	24		
087	North Creek	Pleasant Creek	49N	03W	25		
088	Pleasant Creek	Carlin Creek	49N	03W	25		
089	Unnamed Stream	Beauty Creek	49N	03W	25		
090	Unnamed Stream	Pleasant Creek	49N	03W	25		
091	North Creek	Pleasant Creek	49N	03W	26		
092	Pleasant Creek	Carlin Creek	49N	03W	26		
093	Unnamed Stream	Carlin Creek	49N	03W	26		
094	Unnamed Stream	Pleasant Creek	49N	03W	26		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
095	Unnamed Stream	Pleasant Creek	49N	03W	26		
096	Unnamed Stream	Pleasant Creek	49N	03W	26		
097	Carlin Creek	Spokane River	49N	03W	27		
098	Turner Creek	Spokane River	49N	03W	27		
099	Unnamed Stream	Turner Creek	49N	03W	27		
100	Carlin Creek	Spokane River	49N	03W	34		
101	Pleasant Creek	Carlin Creek	49N	03W	34		
102	Unnamed Stream	Carlin Creek	49N	03W	34		
103	Carrill Creek	Pleasant Creek	49N	03W	35		
104	North Creek	Pleasant Creek	49N	03W	35		
105	Pleasant Creek	Carlin Creek	49N	03W	35		
106	Unnamed Stream	Carlin Creek	49N	03W	35		
107	Unnamed Stream	Carrill Creek	49N	03W	35		
108	Unnamed Stream	North Creek	49N	03W	35		
109	Blue Creek	Wolf Lodge Creek	50N	02W	06		
110	Blue Creek	Wolf Lodge Creek	50N	02W	07		
111	Unnamed Stream	Blue Creek	50N	02W	07		
112	Unnamed Stream	Blue Creek	50N	02W	07		
113	Unnamed Stream	Blue Creek	50N	02W	08		
114	Unnamed Stream	Blue Creek	50N	02W	17		
115	Blue Creek	Wolf Lodge Creek	50N	02W	18		
116	Unnamed Stream	Blue Creek	50N	02W	18		
117	Unnamed Stream	Blue Creek	50N	02W	18		
118	Unnamed Stream	Blue Creek	50N	02W	18		
119	Unnamed Stream	Blue Creek	50N	02W	18		
120	Unnamed Stream	Blue Creek	50N	02W	18		

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
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95-17411A
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