

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. 94-09565R

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 Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604).

QUANTITY: 1.000 CFS
54.00 AFY

The quantity under this water right is limited to up to 54.00 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. 94-09565A, 94-09565B, 94-09565C, 94-09565D, 94-09565E, 94-09565F, 94-09565G, 94-09565H, 94-09565I, 94-09565J, 94-09565K, 94-09565L, 94-09565M, 94-09565N, 94-09565O, 94-09565P, 94-09565Q, 94-09565R, 94-09565S, 94-09565T, 94-09565U, 94-09565V, 94-09565W, 94-09565X, 94-09565Y, 94-09598 and 94-09602 are limited to a total combined annual diversion volume of 54.00 acre feet per year.

PRIORITY DATE: 07/10/1979

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 54.00 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 Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604), Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603), Cougar Gulch subwatershed (HUC12 170103010704), Thomas Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010705), Rose Creek-Coeur d'Alene River subwatershed (HUC12 170103030103), Fourth of July Creek subwatershed (HUC12 170103030102) and Wolf Lodge Creek subwatershed (HUC12 170103030302).

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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	02	NENE	L 1
3	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	02	NENW	L 3
4	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	02	NWNE	L 2
5	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	02	SENE	
6	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	02	SENE	
7	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	02	SWSW	
8	Little Tepee Creek	Little North Fork Coeur d'Alene River	49N	01E	04	NENW	L 3
9	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	04	NESW	
10	Little Tepee Creek	Little North Fork Coeur d'Alene River	49N	01E	04	NESW	
11	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	04	NESW	
12	Little Tepee Creek	Little North Fork Coeur d'Alene River	49N	01E	04	NWNW	L 4
13	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	04	NWSE	
14	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	04	NWSE	
15	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	04	NWSW	
16	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	04	SENE	
17	Little Tepee Creek	Little North Fork Coeur d'Alene River	49N	01E	04	SENE	
18	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	04	SESE	
19	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	04	SESE	
20	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	04	SESW	
21	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	04	SWNW	
22	Little Tepee Creek	Little North Fork Coeur d'Alene River	49N	01E	04	SWNW	
23	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	04	SWSE	
24	Owl Creek	Little North Fork Coeur d'Alene River	49N	01E	08		
25	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	08		
26	Unnamed Stream	Owl Creek	49N	01E	08		
27	Unnamed Stream	Little North Fork Coeur d'Alene River	49N	01E	12		
28	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	35	SWSE	L 2
29	Unnamed Pond	Little Tepee Creek	49N	01E	04		
30	Unnamed Pond	Sink	49N	01E	04		

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

