

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. 94-09550A

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 Cataract Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010104).

QUANTITY: 1.000 CFS
22.10 AFY

The quantity under this water right is limited to up to 22.10 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. 94-09547A thru 94-09582E.

See Attachment 2.

Right nos. 94-09550A and 94-09550B are limited to a total combined annual diversion volume of 22.10 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 22.10 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 Cataract Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010104), Deer Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010102), Independence Creek subwatershed (HUC12 170103010203), Lower Tepee Creek subwatershed (HUC12 170103010204), Flat Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010401), Jordan Creek subwatershed (HUC12 170103010103) and Elk Creek subwatershed (HUC12 170102131305).

See Attachment 3.

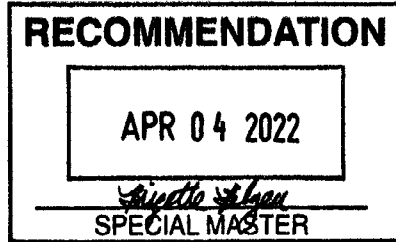
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	North Fork Coeur d'Alene River	52N	02E	01		
003	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	06	NENE	L 1
004	North Fork Coeur d'Alene River	Coeur d'Alene River	52N	03E	06	NENW	L 3
005	North Fork Coeur d'Alene River	Coeur d'Alene River	52N	03E	06	NWNE	L 2
006	Unnamed Stream	North Fork Cocur d'Alene River	52N	03E	06	NWNE	L 2
007	North Fork Coeur d'Alene River	Coeur d'Alene River	52N	03E	06	NWSW	L 6
008	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	06	NWSW	L 6
009	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	06	SENE	
010	North Fork Coeur d'Alene River	Coeur d'Alene River	52N	03E	06	SWNE	
011	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	06	SWNE	
012	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	06	SWNE	
013	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	06	SWNE	
014	North Fork Coeur d'Alene River	Coeur d'Alene River	52N	03E	06	SWSW	L 7
015	Unnamed Stream	West Elk Creek	53N	02E	13		
016	Unnamed Stream	West Elk Creek	53N	02E	13		
017	Unnamed Stream	West Elk Creek	53N	02E	13		
018	Unnamed Stream	West Elk Creek	53N	02E	14		
019	Unnamed Stream	West Elk Creek	53N	02E	14		
020	Unnamed Stream	West Elk Creek	53N	02E	14		
021	Unnamed Stream	West Elk Creek	53N	02E	14		
022	Unnamed Stream	West Elk Creek	53N	02E	14		
023	Unnamed Stream	West Elk Creek	53N	02E	14		
024	Unnamed Stream	West Elk Creek	53N	02E	14		
025	West Elk Creek	Cataract Creek	53N	02E	14		
026	Unnamed Stream	West Elk Creek	53N	02E	15		
027	Unnamed Stream	West Elk Creek	53N	02E	15		
028	Unnamed Stream	West Elk Creek	53N	02E	15		
029	West Elk Creek	Cataract Creek	53N	02E	15		
030	Cataract Creek	North Fork Coeur d'Alene River	53N	02E	22		
031	Unnamed Stream	Cataract Creek	53N	02E	22		
032	Unnamed Stream	West Elk Creek	53N	02E	22		
033	Cataract Creek	North Fork Coeur d'Alene River	53N	02E	23		
034	Unnamed Stream	Cataract Creek	53N	02E	23		
035	Unnamed Stream	Cataract Creek	53N	02E	23		
036	Unnamed Stream	West Elk Creek	53N	02E	23		
037	Unnamed Stream	West Elk Creek	53N	02E	23		
038	Unnamed Stream	West Elk Creek	53N	02E	23		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
039	Unnamed Stream	West Elk Creek	53N	02E	23		
040	Unnamed Stream	West Elk Creek	53N	02E	23		
041	West Elk Creek	Cataract Creek	53N	02E	23		
042	Unnamed Stream	Cataract Creek	53N	02E	24		
043	Unnamed Stream	West Elk Creek	53N	02E	24		
044	Unnamed Stream	West Elk Creek	53N	02E	24		
045	Unnamed Stream	West Elk Creek	53N	02E	24		
046	Unnamed Stream	West Elk Creek	53N	02E	24		
047	Unnamed Stream	West Elk Creek	53N	02E	24		
048	West Elk Creek	Cataract Creek	53N	02E	24		
049	Burnt Creek	North Fork Coeur d'Alene River	53N	02E	25		
050	Cataract Creek	North Fork Coeur d'Alene River	53N	02E	25		
051	Unnamed Stream	Cataract Creek	53N	02E	25		
052	West Elk Creek	Cataract Creek	53N	02E	25		
053	Cataract Creek	North Fork Coeur d'Alene River	53N	02E	26		
054	Unnamed Stream	Cataract Creek	53N	02E	26		
055	Unnamed Stream	Cataract Creek	53N	02E	26		
056	Unnamed Stream	Cataract Creek	53N	02E	26		
057	Unnamed Stream	Cataract Creek	53N	02E	27		
058	Burnt Creek	North Fork Coeur d'Alene River	53N	02E	36		
059	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	36		
060	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	36		
061	East Alden Creek	Alden Creek	53N	03E	03		
062	Unnamed Stream	East Alden Creek	53N	03E	03		
063	Unnamed Stream	East Alden Creek	53N	03E	03		
064	Unnamed Stream	East Alden Creek	53N	03E	03		
065	Unnamed Stream	East Alden Creek	53N	03E	03		
066	Alden Creek	North Fork Coeur d'Alene River	53N	03E	04		
067	East Alden Creek	Alden Creek	53N	03E	04		
068	Unnamed Stream	East Alden Creek	53N	03E	04		
069	Unnamed Stream	Alden Creek	53N	03E	04		
070	Alden Creek	North Fork Coeur d'Alene River	53N	03E	05		
071	Unnamed Stream	Alden Creek	53N	03E	05		
072	Alden Creek	North Fork Coeur d'Alene River	53N	03E	08		
073	Falls Creek	North Fork Coeur d'Alene River	53N	03E	08		
074	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	08		
075	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	08		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
076	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	08		
077	Falls Creek	North Fork Coeur d'Alene River	53N	03E	09		
078	Unnamed Stream	Falls Creek	53N	03E	09		
079	Unnamed Stream	Falls Creek	53N	03E	09		
080	Unnamed Stream	Falls Creek	53N	03E	09		
081	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	09		
082	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	16		
083	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	17		
084	Tsuga Creek	North Fork Coeur d'Alene River	53N	03E	17		
085	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	17		
086	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	17		
087	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	17		
088	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	17		
089	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	17		
090	Cathedral Creek	North Fork Coeur d'Alene River	53N	03E	18		
091	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	18		
092	Cathedral Creek	North Fork Coeur d'Alene River	53N	03E	19		
093	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	19		
094	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	19		
095	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	19		
096	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	19		
097	Unnamed Stream	West Elk Creek	53N	03E	19		
098	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	20		
099	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	20		
100	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	20		
101	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	20		
102	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	20		
103	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	29		
104	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	29		
105	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	29		
106	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	29		
107	Cataract Creek	North Fork Coeur d'Alene River	53N	03E	30		
108	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	30		
109	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	30		
110	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	30		
111	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	30		
112	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	30		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
113	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	30		
114	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	30		
115	West Elk Creek	Cataract Creek	53N	03E	30		
116	Burnt Creek	North Fork Coeur d'Alene River	53N	03E	31		
117	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	31		
118	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	31		
119	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	31		
120	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	31		
121	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	32		
122	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	32		
123	Alden Creek	North Fork Coeur d'Alene River	54N	03E	20		
124	Unnamed Stream	East Alden Creek	54N	03E	27		
125	Alden Creek	North Fork Coeur d'Alene River	54N	03E	28		
126	Unnamed Stream	Alden Creek	54N	03E	28		
127	Unnamed Stream	Alden Creek	54N	03E	28		
128	Alden Creek	North Fork Coeur d'Alene River	54N	03E	29		
129	Unnamed Stream	Alden Creek	54N	03E	32		
130	Alden Creek	North Fork Coeur d'Alene River	54N	03E	33		
131	Unnamed Stream	East Alden Creek	54N	03E	33		
132	Unnamed Stream	Alden Creek	54N	03E	33		
133	Unnamed Stream	Alden Creek	54N	03E	33		
134	Unnamed Stream	Alden Creek	54N	03E	33		
135	Unnamed Stream	Alden Creek	54N	03E	33		
136	Unnamed Stream	East Alden Creek	54N	03E	34		
137	Unnamed Stream	East Alden Creek	54N	03E	34		
138	Unnamed Stream	East Alden Creek	54N	03E	34		
139	Unnamed Stream	East Alden Creek	54N	03E	34		

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

Attachment 3

