

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Case No. 49576

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)

FOR FEDERAL RESERVED

WATER RIGHT NO. 95-17428

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING THROUGH

USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724

SOURCE:

GROUND WATER

TRIBUTARY:

OUANTITY:

In Re CSRBA

0.51 cfs

Right Nos. 95-07983 and 95-17428 are limited to a total combined diversion rate of

0.51 cfs.

Right Nos. 95-17413, 95-17425, 95-17426, 95-17427, 95-17428 and 95-17432 are limited

to a total combined annual diversion volume of 0.3 AF.

PRIORITY DATE:

05/10/1960

POINT OF DIVERSION:

T50N R04W S3 Lot 4 NWNW Within Kootenai County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

ADMINISTRATIVE 01/01 - 12/31

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 Rathdrum Prairie-Spokane River subwatershed (HUC12 170103050200), Coeur d'Alene Lake subwatershed (HUC12 170103030406), Fernan Lake subwatershed (HUC12 170103030405), Yellowbanks Creek-Hayden Lake subwatershed (HUC12 170103050102), Sage Creek subwatershed (HUC12 170103050301) and Cable Creek-Spokane River subwatershed (HUC12 170103050304).

See Attachment 1.

OTHER PROVISIONS NECESSARY FOR DEFINITON 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).

Page 1 of 3

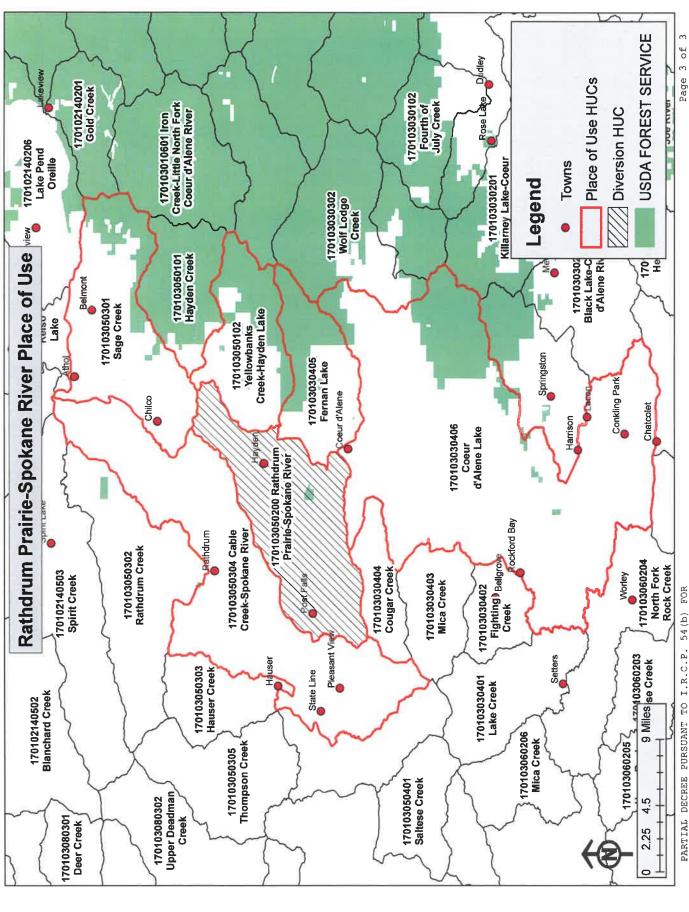
## RULE 54(b) CERTIFICATE

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 Ida.

Eric J. Mildma

Presiding Judge of the

Coeur d'Alene-Spokane River Adjudication



PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR FEDERAL RESERVED WATER RIGHT NO. 95-17428