

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)  
 ) FOR FEDERAL RESERVED  
 Case No. 49576 )  
 ) WATER RIGHT NO. 94-09559C

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 Yellow Dog Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC12 170103010403).

QUANTITY: 1.000 CFS  
 48.90 AFY

The quantity under this water right is limited to up to 48.90 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. 94-09559A, 94-09559B, 94-09559C, 94-09559D, 94-09559E, 94-09559F, 94-09559G, 94-09559H, 94-09599, 94-09600 and 94-09604 are limited to a total combined annual diversion volume of 48.90 acre feet.

PRIORITY DATE: 06/14/1937

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 48.90 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 Yellow Dog Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Steamboat Creek subwatershed (HUC12 170103010703), Flat Creek-Middle North Fork Coeur d'Alene River subwatershed (HUC 12 170103010401), Upper Shoshone Creek subwatershed (HUC12 170103010301), Lower Shoshone Creek subwatershed (HUC12 170103010302), Lost Creek subwatershed (HUC12 170103010402), Eagle Creek subwatershed (HUC12 170103010501), Butte Gulch-Prichard Creek subwatershed (HUC12 170103010502) and Graham Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12170103010702).

See Attachment 3.

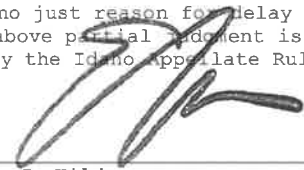
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



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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	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	11	SESE	L 6
3	Downey Creek	North Fork Coeur d'Alene River	51N	03E	11	SWSE	
4	Downey Creek	North Fork Coeur d'Alene River	51N	03E	11	SWSE	L 6
5	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	11	SWSE	
6	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	11	SWSE	L 2
7	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	11	SWSE	L 6
8	Tourist Creek	North Fork Coeur d'Alene River	51N	03E	11	SWSE	
9	Tourist Creek	North Fork Coeur d'Alene River	51N	03E	11	SWSE	L 2
10	Morris Creek	North Fork Coeur d'Alene River	51N	03E	14	NENE	L 1
11	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	14	NENE	
12	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	14	NENE	L 1
13	North Fork Coeur d'Alene River	Coeur d'Alene River	51N	03E	14	NENE	L 2
14	Beetle Creek	North Fork Coeur d'Alene River	51N	03E	15	NENW	
15	Unnamed Stream	Yellow Dog Creek	51N	03E	15	NESW	
16	Beetle Creek	North Fork Coeur d'Alene River	51N	03E	15	SENW	
17	Unnamed Stream	Yellow Dog Creek	51N	03E	15	SESW	
18	Yellow Dog Creek	North Fork Coeur d'Alene River	51N	03E	15	SESW	
19	Beetle Creek	North Fork Coeur d'Alene River	51N	03E	15	SWNW	
20	Yellow Dog Creek	North Fork Coeur d'Alene River	51N	03E	21	NENW	
21	Unnamed Stream	West Fork Downey Creek	51N	03E	21	SWSW	
22	Unnamed Stream	Yellow Dog Creek	51N	03E	22	NENW	
23	Unnamed Stream	Yellow Dog Creek	51N	03E	22	SENW	
24	Unnamed Stream	Yellow Dog Creek	51N	03E	22	SWNW	
25	Unnamed Stream	Yellow Dog Creek	51N	03E	29	NWNE	

## 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

