

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. 94-09568G

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 Steamboat Creek subwatershed (HUC12 170103010703).

QUANTITY: 1.00 CFS
41.50 AFY

The quantity under this water right is limited to up to 41.50 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. 94-09568A, 94-09568B, 94-09568C, 94-09568D, 94-09568E, 94-09568F, 94-09568G and 94-09568H are limited to a total combined annual diversion volume of 41.50 acre feet.

PRIORITY DATE: 04/23/1984

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 41.50 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 Steamboat Creek subwatershed (HUC12 170103010703), Flat Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010401), Upper Tepee Creek subwatershed (HUC12 170103010201), Yellow Dog Creek- North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Thomas Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010705), Graham Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010702) and Cougar Gulch subwatershed (HUC12 170103010704).

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. Wilgman
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	Barrymore Creek	Steamboat Creek	50N	02E	1	NWNW	L 4
3	Unnamed Stream	Barrymore Creek	50N	02E	1	NWNW	L 4
4	Unnamed Stream	Can Creek	50N	02E	1	NWNW	L 4
5	Barrymore Creek	Steamboat Creek	50N	02E	1	NWSW	
6	Barrymore Creek	Steamboat Creek	50N	02E	1	SWNW	
7	Unnamed Stream	Barrymore Creek	50N	02E	1	SWNW	
8	Unnamed Stream	Can Creek	50N	02E	2	NENW	L 3
9	Unnamed Stream	Can Creek	50N	02E	2	NENW	L 3
10	Unnamed Stream	Steamboat Creek	50N	02E	2	NESE	
11	Unnamed Stream	Can Creek	50N	02E	2	NWNE	L 2
12	Unnamed Stream	Can Creek	50N	02E	2	NWNE	L 2
13	Can Creek	Steamboat Creek	50N	02E	2	NWNW	L 4
14	Unnamed Stream	Can Creek	50N	02E	2	NWNW	L 4
15	Unnamed Stream	Can Creek	50N	02E	2	SENE	
16	Unnamed Stream	Steamboat Creek	50N	02E	2	SESE	
17	Can Creek	Steamboat Creek	50N	02E	2	SWNW	
18	Unnamed Stream	Can Creek	50N	02E	2	SWNW	
19	Unnamed Stream	Steamboat Creek	50N	02E	2	SWSE	
20	Unnamed Stream	West Fork Steamboat Creek	50N	02E	4	NESW	
21	Unnamed Stream	West Fork Steamboat Creek	50N	02E	4	NWSE	
22	Big Bob Creek	Steamboat Creek	50N	02E	10	NENE	
23	Unnamed Stream	Big Bob Creek	50N	02E	10	NENW	
24	Big Bob Creek	Steamboat Creek	50N	02E	10	NESW	
25	Big Bob Creek	Steamboat Creek	50N	02E	10	NWNE	
26	Unnamed Stream	Big Bob Creek	50N	02E	10	NWNE	
27	Unnamed Stream	Steamboat Creek	50N	02E	10	SENE	
28	Big Bob Creek	Steamboat Creek	50N	02E	10	SENW	
29	Unnamed Stream	Big Bob Creek	50N	02E	10	SENW	
30	Big Bob Creek	Steamboat Creek	50N	02E	10	SWNE	
31	Unnamed Stream	Big Bob Creek	50N	02E	10	SWNW	
32	Barrymore Creek	Steamboat Creek	50N	02E	11	NENE	
33	Unnamed Stream	Steamboat Creek	50N	02E	11	NWNE	
34	Steamboat Creek	North Fork Coeur d'Alene River	50N	02E	11	NWNW	
35	Unnamed Stream	Steamboat Creek	50N	02E	11	NWNW	
36	Unnamed Stream	Omaha Creek	50N	02E	14	NESW	
37	Unnamed Stream	Steamboat Creek	50N	02E	14	NESW	
38	Unnamed Stream	Omaha Creek	50N	02E	14	NWSE	
39	Unnamed Stream	Steamboat Creek	50N	02E	14	NWSE	
40	Steamboat Creek	North Fork Coeur d'Alene River	50N	02E	14	SESE	
41	Unnamed Stream	Omaha Creek	50N	02E	15	NWSE	

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

