

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. 94-09561B

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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 Butte Gulch-Prichard Creek subwatershed (HUC12 170103010502).

QUANTITY: 1.000 CFS  
41.20 AFY

The quantity under this water right is limited to up to 41.20 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. 94-09561A, 94-09561B and 94-09561C are limited to a total combined annual diversion volume of 41.20 acre feet.

PRIORITY DATE: 05/03/1985

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 41.20 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 Butte Gulch-Prichard Creek subwatershed (HUC12 170103010502), Graham Creek-Lower North Fork Coeur d'Alene River subwatershed (HUC12 170103010702), Yellow Dog Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Eagle Creek subwatershed (HUC12 170103010501), Beaver Creek subwatershed (HUC12 170103010701), Canyon Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020102), Upper Big Beaver Creek subwatershed (HUC12 170102130701), Upper Prospect Creek subwatershed (HUC12 170102130602).

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	Prichard Creek	North Fork Coeur d'Alene River	49N	05E	13	NESW	MS 1848
3	Prichard Creek	North Fork Coeur d'Alene River	49N	05E	13	NESW	MS 2552
4	Prichard Creek	North Fork Coeur d'Alene River	49N	05E	13	NWSE	MS 1848
5	Unnamed Stream	Prichard Creek	49N	05E	13	NWSE	MS 1848
6	Prichard Creek	North Fork Coeur d'Alene River	49N	05E	13	SENE	MS 2122
7	Prichard Creek	North Fork Coeur d'Alene River	49N	05E	13	SENE	MULTIPLE MS
8	Prichard Creek	North Fork Coeur d'Alene River	49N	05E	13	SWNE	MS 1848
9	Prichard Creek	North Fork Coeur d'Alene River	49N	05E	13	SWNE	MS 2122
10	Unnamed Stream	Prichard Creek	49N	05E	13	SWNE	MS 1848
11	Unnamed Stream	Prichard Creek	49N	06E	7	NESE	MS 2084
12	Unnamed Stream	Prichard Creek	49N	06E	7	NESE	MS 1901
13	Unnamed Stream	Prichard Creek	49N	06E	7	NESE	MS 2084
14	Unnamed Stream	Prichard Creek	49N	06E	7	NWSE	MS 1901
15	Unnamed Stream	Prichard Creek	49N	06E	7	NWSE	MS 2084
16	Unnamed Stream	Prichard Creek	49N	06E	7	SENE	MS 2084
17	Unnamed Stream	Prichard Creek	49N	06E	7	SESE	MS 1901
18	Unnamed Stream	Prichard Creek	49N	06E	7	SESE	MS 2085
19	Unnamed Stream	Prichard Creek	49N	06E	7	SWSE	MS 1901
20	Unnamed Stream	Prichard Creek	49N	06E	7	SWSE	MS 2085
21	Unnamed Stream	Prichard Creek	49N	06E	7	SWSE	MS 2085
22	Unnamed Stream	Prichard Creek	49N	06E	7	SWSE	MS 2085
23	Unnamed Stream	Prichard Creek	49N	06E	8	NWSW	MS 2084
24	Unnamed Stream	Prichard Creek	49N	06E	18	NENW	MS 2130
25	Unnamed Stream	Prichard Creek	49N	06E	18	NENW	MS 2130
26	Unnamed Stream	Prichard Creek	49N	06E	18	NENW	MS 2130
27	Unnamed Stream	Prichard Creek	49N	06E	18	NWNW	MS 2130
28	Unnamed Stream	Prichard Creek	49N	06E	18	NWNW	MS 2130

## 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

