

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. 94-09572

---

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 Canyon Creek-Upper South Fork Coeur d'Alene River subwatershed (HUC12 170103020102).

QUANTITY: 1.000 CFS  
7.900 AFY

The quantity under this water right is limited to up to 7.900 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.

PRIORITY DATE: 11/06/1906

This water right is subordinate and junior to water right no. 94-08721.

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 7.900 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 Canyon Creek-Upper South Fork Coeur d'Alene River subwatershed (HUC12 170103020102), Beaver Creek subwatershed (HUC12 170103010701), Placer Creek subwatershed (HUC12 170103020103), Butte Gulch-Prichard Creek subwatershed (HUC12 170103010502), Twomile Creek-South Fork Coeur d'Alene River subwatershed (HUC12 170103020301), Little North Fork South Fork Coeur d'Alene River-South Fork Coeur d'Alene River subwatershed (HUC12 170103020101), Cooper Gulch subwatershed (HUC12 170102130601) and 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.

---

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	Ninemile Creek	South Fork Coeur d'Alene River	48N	04E	02		
003	Unnamed Stream	Ninemile Creek	48N	04E	02		
004	Unnamed Stream	Blackcloud Creek	48N	04E	10		
005	Blackcloud Creek	Ninemile Creek	48N	04E	11		
006	Unnamed Stream	Blackcloud Creek	48N	04E	11		
007	Unnamed Stream	Ninemile Creek	48N	04E	11		
008	Unnamed Stream	Canyon Creek	48N	05E	01		
009	Unnamed Stream	Canyon Creek	48N	05E	01		
010	Unnamed Stream	Canyon Creek	48N	05E	02		
011	Unnamed Stream	Canyon Creek	48N	05E	02		
012	Unnamed Stream	Canyon Creek	48N	05E	02		
013	Unnamed Stream	Canyon Creek	48N	05E	02		
014	Canyon Creek	Little North Fork Coeur d'Alene River	48N	05E	10		
015	Unnamed Stream	Canyon Creek	48N	05E	10		
016	Canyon Creek	Little North Fork Coeur d'Alene River	48N	05E	11		
017	Unnamed Stream	Canyon Creek	48N	05E	11		
018	Unnamed Stream	Canyon Creek	48N	05E	11		
019	Unnamed Stream	Canyon Creek	48N	05E	11		
020	Canyon Creek	Little North Fork Coeur d'Alene River	48N	05E	12		
021	Unnamed Stream	Canyon Creek	48N	05E	12		
022	Unnamed Stream	Canyon Creek	48N	05E	12		
023	Unnamed Stream	Canyon Creek	48N	05E	12		
024	Unnamed Stream	Canyon Creek	48N	05E	13		
025	Unnamed Stream	Canyon Creek	48N	05E	13		
026	Unnamed Stream	Canyon Creek	48N	05E	13		
027	Unnamed Stream	Canyon Creek	48N	05E	13		
028	Canyon Creek	Little North Fork Coeur d'Alene River	48N	06E	07		
029	Unnamed Stream	Canyon Creek	48N	06E	07		
030	Unnamed Stream	Canyon Creek	48N	06E	07		
031	Unnamed Stream	Canyon Creek	48N	06E	07		
032	Canyon Creek	Little North Fork Coeur d'Alene River	48N	06E	08		
033	Unnamed Stream	Canyon Creek	48N	06E	08		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
034	Unnamed Stream	Canyon Creek	48N	06E	08		
035	Unnamed Stream	Canyon Creek	48N	06E	18		
036	Unnamed Stream	Canyon Creek	48N	06E	18		
037	Unnamed Stream	Canyon Creek	49N	05E	35		
038	Unnamed Stream	Canyon Creek	49N	05E	35		
039	Unnamed Stream	Canyon Creek	49N	05E	35		
040	Unnamed Stream	Canyon Creek	49N	05E	36		
041	Unnamed Pond	Canyon Creek	48N	05E	11		
042	Unnamed Pond	Sink	48N	05E	13		
043	Lower Glidden Lake	Canyon Creek	48N	06E	07		
044	Unnamed Pond	Sink	48N	06E	07		
045	Lower Glidden Lake	Canyon Creek	48N	06E	08		
046	Upper Glidden Lake	Canyon Creek	48N	06E	08		
047	Upper Glidden Lake	Canyon Creek	48N	06E	17		
048	Lower Glidden Lake	Canyon Creek	48N	06E	18		
049	Unnamed Spring	Sinks	48N	03E	08	SWSW	L 6
050	Unnamed Spring	Sinks	48N	03E	18	SENE	

## 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

