

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: 1.000 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 Teepee 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. Wildman  
Presiding Judge of the  
Coeur d'Alene-Spokane River Adjudication

## Attachment 1

	A	B	C	D	E	F	G
	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
1	Barrymore Creek	Steamboat Creek	50N	02E		1 NWNW	L 4
2	Unnamed Stream	Barrymore Creek	50N	02E		1 NWNW	L 4
3	Unnamed Stream	Can Creek	50N	02E		1 NWNW	L 4
4	Barrymore Creek	Steamboat Creek	50N	02E		1 NWSW	
5	Barrymore Creek	Steamboat Creek	50N	02E		1 SWNW	
6	Unnamed Stream	Barrymore Creek	50N	02E		1 SWNW	
7	Unnamed Stream	Can Creek	50N	02E		2 NENW	L 3
8	Unnamed Stream	Can Creek	50N	02E		2 NENW	L 3
9	Unnamed Stream	Steamboat Creek	50N	02E		2 NESE	
10	Unnamed Stream	Can Creek	50N	02E		2 NWNE	L 2
11	Unnamed Stream	Can Creek	50N	02E		2 NWNE	L 2
12	Can Creek	Steamboat Creek	50N	02E		2 NWNW	L 4
13	Unnamed Stream	Can Creek	50N	02E		2 NWNW	L 4
14	Unnamed Stream	Can Creek	50N	02E		2 SENE	
15	Unnamed Stream	Steamboat Creek	50N	02E		2 SESE	
16	Can Creek	Steamboat Creek	50N	02E		2 SWNW	
17	Unnamed Stream	Can Creek	50N	02E		2 SWNW	
18	Unnamed Stream	Steamboat Creek	50N	02E		2 SWSE	
19	Unnamed Stream	West Fork Steamboat Creek	50N	02E		4 NESW	
20	Unnamed Stream	West Fork Steamboat Creek	50N	02E		4 NWSE	
21	Big Bob Creek	Steamboat Creek	50N	02E		10 NENE	
22	Unnamed Stream	Big Bob Creek	50N	02E		10 NENW	
23	Big Bob Creek	Steamboat Creek	50N	02E		10 NESW	
24	Big Bob Creek	Steamboat Creek	50N	02E		10 NWNE	
25	Unnamed Stream	Big Bob Creek	50N	02E		10 NWNE	
26	Unnamed Stream	Steamboat Creek	50N	02E		10 SENE	
27	Big Bob Creek	Steamboat Creek	50N	02E		10 SENW	
28	Unnamed Stream	Big Bob Creek	50N	02E		10 SENW	
29	Big Bob Creek	Steamboat Creek	50N	02E		10 SWNE	
30	Unnamed Stream	Big Bob Creek	50N	02E		10 SWNW	
31	Barrymore Creek	Steamboat Creek	50N	02E		11 NENE	
32	Unnamed Stream	Steamboat Creek	50N	02E		11 NWNE	
33	Steamboat Creek	North Fork Coeur d'Alene River	50N	02E		11 NWNW	
34	Unnamed Stream	Steamboat Creek	50N	02E		11 NWNW	
35	Unnamed Stream	Omaha Creek	50N	02E		14 NESW	
36	Unnamed Stream	Steamboat Creek	50N	02E		14 NESW	
37	Unnamed Stream	Omaha Creek	50N	02E		14 NWSE	
38	Unnamed Stream	Steamboat Creek	50N	02E		14 NWSE	
39	Steamboat Creek	North Fork Coeur d'Alene River	50N	02E		14 SESE	
40	Unnamed Stream	Omaha Creek	50N	02E		15 NWSE	
41							

## 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

