

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. 94-09597

---

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.13 CFS

Right Nos. 94-08157 and 94-09597 are limited to a total combined diversion rate of 0.13 cfs.

Right Nos. 94-09555A, 94-09555B, 94-09555C and 94-09597 are limited to a total combined annual diversion volume of 41.7 AF.

PRIORITY DATE: 09/11/1940

POINT OF DIVERSION: T51N R04E S4 SWSE Within Shoshone County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE  
ADMINISTRATIVE 01/01 - 12/31

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 Upper Shoshone Creek subwatershed (HUC12 170103010302), Jordan Creek subwatershed (HUC12 170103010103), Yellow Dog Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010403), Lower Shoshone Creek subwatershed (HUC12 170103010302) and Montana HUC12s East Fork Elk Creek subwatershed (HUC12 170102131304) and Marten Creek subwatershed (HUC12 170102131004).

See Attachment 1.

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

