

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. 94-09569A

---

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 Cougar Gulch subwatershed (HUC12 170103010704).

QUANTITY: 1.000 CFS  
17.50 AFY

The quantity under this water right is limited to up to 17.50 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. 94-09569A, 94-09569B, 94-09569C, 94-09569D, 94-09569E, 94-09569F, 94-09569G, 94-09569H and 94-09569I are limited to a total combined annual diversion volume of 17.50 acre feet.

PRIORITY DATE: 11/06/1906

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 17.50 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 Cougar Gulch subwatershed (HUC12 170103010704), Thomas Creek-North Fork Coeur d'Alene River subwatershed (HUC12 170103010705), Upper Tepee Creek subwatershed (HUC12 170103010201), Steamboat Creek subwatershed (HUC12 170103010703), Leiberg Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010603) and Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604).

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	Halifax Creek	North Fork Coeur d'Alene River	50N	01E	01		
003	Hell Creek	North Fork Coeur d'Alene River	50N	01E	01		
004	Hill Creek	North Fork Coeur d'Alene River	50N	01E	01		
005	Hull Creek	North Fork Coeur d'Alene River	50N	01E	01		
006	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	01		
007	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	01		
008	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	01		
009	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	01		
010	Coffin Creek	North Fork Coeur d'Alene River	50N	01E	02		
011	Hearse Creek	North Fork Coeur d'Alene River	50N	01E	02		
012	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
013	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
014	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
015	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
016	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
017	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
018	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
019	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
020	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	02		
021	Hearse Creek	North Fork Coeur d'Alene River	50N	01E	03		
022	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	03		
023	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	03		
024	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	11		
025	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	11		
026	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	11		
027	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	11		
028	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	11		
029	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	11		
030	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	11		
031	Unnamed Stream	October Creek	50N	01E	11		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
032	Colorado Creek	North Fork Coeur d'Alene River	50N	01E	12		
033	October Creek	North Fork Coeur d'Alene River	50N	01E	12		
034	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	12		
035	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	12		
036	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	12		
037	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	12		
038	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	12		
039	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	12		
040	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	12		
041	Dismal Creek	North Fork Coeur d'Alene River	50N	01E	13		
042	October Creek	North Fork Coeur d'Alene River	50N	01E	13		
043	Unnamed Stream	Dismal Creek	50N	01E	13		
044	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	13		
045	Unnamed Stream	North Fork Coeur d'Alene River	50N	01E	13		
046	Dismal Creek	North Fork Coeur d'Alene River	50N	01E	14		
047	October Creek	North Fork Coeur d'Alene River	50N	01E	14		
048	Unnamed Stream	October Creek	50N	01E	14		
049	Hill Creek	North Fork Coeur d'Alene River	50N	02E	06	NWSW	L 6
050	Colorado Creek	North Fork Coeur d'Alene River	50N	02E	06	SWSW	L 7
051	Unnamed Stream	Lone Creek	50N	02E	07	NENE	
052	Lone Creek	North Fork Coeur d'Alene River	50N	02E	07	NENW	
053	Colorado Creek	North Fork Coeur d'Alene River	50N	02E	07	NWNW	L 1
054	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	08	NESE	
055	Steep Creek	North Fork Coeur d'Alene River	50N	02E	08	NESW	
056	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	08	NESW	
057	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	08	NWSE	
058	November Creek	North Fork Coeur d'Alene River	50N	02E	15		
059	Unnamed Stream	November Creek	50N	02E	15		
060	Unnamed Stream	Dennis Creek	50N	02E	17	NESE	
061	Dennis Creek	North Fork Coeur d'Alene River	50N	02E	17	NESW	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
062	Unnamed Stream	Dennis Creek	50N	02E	17	NESW	
063	Dennis Creek	North Fork Coeur d'Alene River	50N	02E	17	NWSE	
064	Unnamed Stream	Dennis Creek	50N	02E	17	NWSE	
065	Unnamed Stream	Dennis Creek	50N	02E	17	SWSE	
066	Steep Creek	North Fork Coeur d'Alene River	50N	02E	18	NENE	
067	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	18	NENE	
068	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	18	NWNE	
069	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	18	NWSW	L 3
070	Steep Creek	North Fork Coeur d'Alene River	50N	02E	18	SENE	
071	Steep Creek	North Fork Coeur d'Alene River	50N	02E	18	SWNE	
072	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	18	SWNE	
073	Nelson Creek	North Fork Coeur d'Alene River	50N	02E	20	NESE	
074	Dennis Creek	North Fork Coeur d'Alene River	50N	02E	20	SENW	
075	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	20	SENW	
076	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	20	SENW	
077	Nelson Creek	North Fork Coeur d'Alene River	50N	02E	21		
078	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	21		
079	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	21		
080	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	21		
081	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	21		
082	November Creek	North Fork Coeur d'Alene River	50N	02E	22		
083	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	22		
084	Unnamed Stream	November Creek	50N	02E	22		
085	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	27		
086	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	28	NENE	
087	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	28	NENW	
088	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	28	NENW	
089	Unnamed Stream	North Fork Coeur d'Alene River	50N	02E	29		
090	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	26		
091	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	26		

# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
092	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	27		
093	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	27		
094	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	34		
095	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	34		
096	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
097	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
098	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
099	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
100	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
101	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
102	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
103	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
104	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
105	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	35		
106	Hell Creek	North Fork Coeur d'Alene River	51N	01E	36		
107	Unnamed Stream	North Fork Coeur d'Alene River	51N	01E	36		

## 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



