

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 03 2022

By _____ Clerk
 _____ Deputy Clerk

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. 91-07949F

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 Upper Marble Creek subwatershed (HUC12 170103040501).

QUANTITY: The amount of water necessary to control and suppress forest fires.

PRIORITY DATE: 12/22/1934

POINT OF DIVERSION: See Attachment 1, Columns C through G

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE
 Administrative-Fire Suppression 01/01 - 12/31

PLACE OF USE: National Forests in Idaho and the Kaniksu, Lolo and Kootenai National Forests in Montana.
 See Attachment 2.

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 purpose of suppressing wildfires. This water right shall not be used as a basis to prevent the future appropriation of water.

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 the 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.

RECOMMENDATION

MAR 03 2022

Eric J. Wildman

SPECIAL MASTER






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	Unnamed Stream	Marble Creek	43N	03E	1	NENW	L 3
3	Marble Creek	St Joe River	43N	03E	1	NWNW	L 4
4	Unnamed Stream	Marble Creek	43N	03E	1	NWNW	L 4
5	Marble Creek	St Joe River	43N	03E	1	SENW	
6	Unnamed Stream	Marble Creek	43N	03E	1	SENW	
7	Marble Creek	St Joe River	43N	03E	1	SWNW	
8	Unnamed Stream	Marble Creek	43N	03E	13	SENE	
9	Unnamed Stream	Marble Creek	43N	03E	13	SENE	
10	Freezeout Creek	Marble Creek	43N	03E	13	SESE	
11	Unnamed Stream	Marble Creek	43N	03E	13	SWNE	
12	Unnamed Stream	Marble Creek	43N	03E	13	SWNE	
13	Cornwall Creek	Marble Creek	43N	03E	23	NWNW	
14	Freezeout Creek	Marble Creek	43N	03E	24	NENE	
15	Unnamed Stream	Freezeout Creek	43N	03E	24	NENW	
16	Freezeout Creek	Marble Creek	43N	03E	24	NWNE	
17	Unnamed Stream	Freezeout Creek	43N	03E	24	SENE	
18	Unnamed Stream	Freezeout Creek	43N	03E	24	SENW	
19	Unnamed Stream	Freezeout Creek	43N	03E	24	SENW	
20	Unnamed Stream	Freezeout Creek	43N	03E	25	SWNE	
21	Unnamed Stream	Freezeout Creek	43N	03E	25	SWSW	
22	Unnamed Stream	Freezeout Creek	43N	03E	26	NESW	
23	Unnamed Stream	Freezeout Creek	43N	03E	26	NWNW	
24	Unnamed Stream	Freezeout Creek	43N	03E	26	NWSW	
25	Freezeout Creek	Marble Creek	43N	03E	26	SESE	
26	Unnamed Stream	Freezeout Creek	43N	03E	26	SESE	
27	Unnamed Stream	Freezeout Creek	43N	03E	26	SESW	
28	Unnamed Stream	Freezeout Creek	43N	03E	26	SWNW	
29	Unnamed Stream	Freezeout Creek	43N	03E	26	SWNW	
30	Freezeout Creek	Marble Creek	43N	03E	26	SWSE	
31	Unnamed Stream	Freezeout Creek	43N	03E	27	NENE	
32	Unnamed Stream	Freezeout Creek	43N	03E	27	NESE	
33	Unnamed Stream	Freezeout Creek	43N	03E	27	SENE	

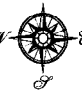

Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 91-07949F
 National Forests in Idaho and the Kaniku, Lolo and Kootenai NF in Montana

Key to Features

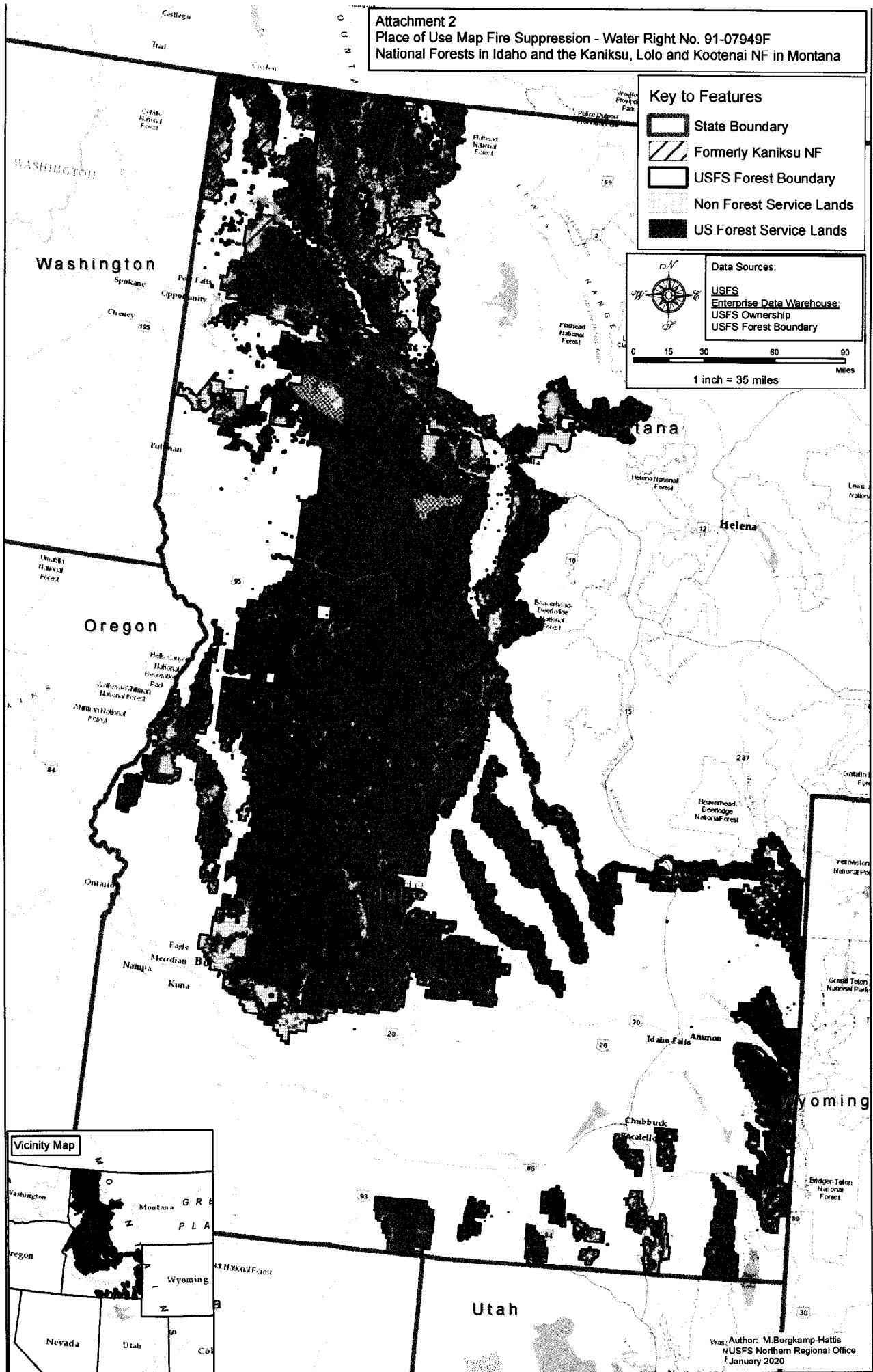
-  State Boundary
-  Formerly Kaniku NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

Data Sources:

- USFS
- Enterprise Data Warehouse
- USFS Ownership
- USFS Forest Boundary

1 inch = 35 miles



Author: M. Bergkamp-Hattis
 NUSFS Northern Regional Office
 January 2020