

**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. 91-07961D

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 Falls Creek-St Joe River  
 subwatershed (HUC12 170103040608).

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: | <u>PURPOSE OF USE</u>           | <u>PERIOD OF USE</u> |
|                            | 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 DEFINITON 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  | Day Creek      | Falls Creek     | 46N      | 01E   | 1       | NWNW | L 4                    |
| 3  | Unnamed Stream | Day Creek       | 46N      | 01E   | 1       | NWNW | L 4                    |
| 4  | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | NENW |                        |
| 5  | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | NESE |                        |
| 6  | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | NWNW |                        |
| 7  | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | NWSW |                        |
| 8  | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | NWSW |                        |
| 9  | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | SESE |                        |
| 10 | Falls Creek    | Saint Joe River | 46N      | 01E   | 11      | SESW |                        |
| 11 | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | SESW |                        |
| 12 | Unnamed Stream | Falls Creek     | 46N      | 01E   | 11      | SWNW |                        |
| 13 | Mineral Creek  | Falls Creek     | 47N      | 01E   | 26      |      |                        |
| 14 | Mineral Creek  | Falls Creek     | 47N      | 01E   | 35      |      |                        |
| 15 | Unnamed Stream | Mineral Creek   | 47N      | 01E   | 35      |      |                        |

Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 91-07961D  
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

