

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. 92-11059C

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 Emerald Creek subwatershed (HUC12 170103040801).

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

PRIORITY DATE: 12/17/1929

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	West Fork Emerald Creek	42N	01W	10	NESE	
3	Post Creek	East Fork Emerald Creek	42N	01W	10	SESE	
4	Swamp Creek	East Fork Emerald Creek	42N	01W	11	NENE	
5	Swamp Creek	East Fork Emerald Creek	42N	01W	11	NESE	
6	Unnamed Stream	Swamp Creek	42N	01W	11	NESE	
7	Unnamed Stream	Swamp Creek	42N	01W	11	NESE	
8	Unnamed Stream	Post Creek	42N	01W	11	NESW	
9	Unnamed Stream	Swamp Creek	42N	01W	11	NWSE	
10	Unnamed Stream	Post Creek	42N	01W	11	NWSW	
11	Swamp Creek	East Fork Emerald Creek	42N	01W	11	SESE	
12	Unnamed Stream	Post Creek	42N	01W	11	SESW	
13	Unnamed Stream	Post Creek	42N	01W	11	SESW	
14	Unnamed Stream	Post Creek	42N	01W	11	SESW	
15	Post Creek	East Fork Emerald Creek	42N	01W	11	SWSW	
16	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	NENE	
17	Unnamed Stream	Flat Creek	42N	01W	12	NENW	
18	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	NESE	
19	Unnamed Stream	Flat Creek	42N	01W	12	NESE	
20	Flat Creek	East Fork Emerald Creek	42N	01W	12	NWNE	
21	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	NWNE	
22	Swamp Creek	East Fork Emerald Creek	42N	01W	12	NWNW	
23	Unnamed Stream	Flat Creek	42N	01W	12	NWNW	
24	Unnamed Stream	Swamp Creek	42N	01W	12	NWNW	
25	Flat Creek	East Fork Emerald Creek	42N	01W	12	NWSE	
26	Unnamed Stream	Flat Creek	42N	01W	12	NWSE	
27	Unnamed Stream	Flat Creek	42N	01W	12	NWSE	
28	Unnamed Stream	Flat Creek	42N	01W	12	NWSE	
29	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	SENE	
30	Unnamed Stream	Flat Creek	42N	01W	12	SENE	
31	Unnamed Stream	Flat Creek	42N	01W	12	SENE	
32	Unnamed Stream	Flat Creek	42N	01W	12	SENW	
33	Unnamed Stream	Flat Creek	42N	01W	12	SENW	
34	Unnamed Stream	East Fork Emerald Creek	42N	01W	12	SESE	
35	Unnamed Stream	Flat Creek	42N	01W	12	SESW	
36	Flat Creek	East Fork Emerald Creek	42N	01W	12	SWNE	
37	Unnamed Stream	Flat Creek	42N	01W	12	SWNE	
38	Unnamed Stream	Flat Creek	42N	01W	12	SWNW	
39	Unnamed Stream	Flat Creek	42N	01W	12	SWNW	
40	Unnamed Stream	Flat Creek	42N	01W	12	SWNW	
41	Unnamed Stream	Swamp Creek	42N	01W	12	SWNW	
42	Swamp Creek	East Fork Emerald Creek	42N	01W	12	SWSW	
43	Unnamed Stream	East Fork Emerald Creek	42N	01W	13	NENE	
44	East Fork Emerald Creek	Emerald Creek	42N	01W	13	NESE	
45	East Fork Emerald Creek	Emerald Creek	42N	01W	13	NESW	
46	Highline Creek	East Fork Emerald Creek	42N	01W	13	NESW	
47	Swamp Creek	East Fork Emerald Creek	42N	01W	13	NESW	
48	Swamp Creek	East Fork Emerald Creek	42N	01W	13	NWNW	
49	Unnamed Stream	Swamp Creek	42N	01W	13	NWNW	
50	East Fork Emerald Creek	Emerald Creek	42N	01W	13	NWSW	
51	East Fork Emerald Creek	Emerald Creek	42N	01W	13	SENE	
52	Flat Creek	East Fork Emerald Creek	42N	01W	13	SENE	
53	Swamp Creek	East Fork Emerald Creek	42N	01W	13	SESW	
54	Highline Creek	East Fork Emerald Creek	42N	01W	13	SESW	
55	Unnamed Stream	Highline Creek	42N	01W	13	SESW	
56	Unnamed Stream	Highline Creek	42N	01W	13	SESW	
57	Unnamed Stream	Highline Creek	42N	01W	13	SESW	
58	East Fork Emerald Creek	Emerald Creek	42N	01W	13	SWNW	
59	Swamp Creek	East Fork Emerald Creek	42N	01W	13	SWNW	
60	Unnamed Stream	East Fork Emerald Creek	42N	01W	13	SWNW	
61	East Fork Emerald Creek	Emerald Creek	42N	01W	14		
62	Post Creek	East Fork Emerald Creek	42N	01W	14		
63	Unnamed Stream	East Fork Emerald Creek	42N	01W	14		
64	Unnamed Stream	East Fork Emerald Creek	42N	01W	14		

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	OO	SURVEY CODE AND NUMBER
65	Unnamed Stream	Highline Creek	42N	01W	14		
66	Unnamed Stream	Post Creek	42N	01W	14		
67	Unnamed Stream	Post Creek	42N	01W	14		
68	Unnamed Stream	Swamp Creek	42N	01W	14		
69	Post Creek	East Fork Emerald Creek	42N	01W	15	NENE	
70	Unnamed Stream	Post Creek	42N	01W	15	NENE	
71	Unnamed Stream	Post Creek	42N	01W	15	NENE	
72	Post Creek	East Fork Emerald Creek	42N	01W	15	NWNE	
73	Unnamed Stream	Post Creek	42N	01W	15	NWNE	
74	Unnamed Stream	Post Creek	42N	01W	15	NWNE	
75	Unnamed Stream	Post Creek	42N	01W	15	NWNE	
76	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	NWSE	
77	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	SENE	
78	Unnamed Stream	Post Creek	42N	01W	15	SENE	
79	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	SWNE	
80	East Fork Emerald Creek	Emerald Creek	42N	01W	15	SWSE	
81	Unnamed Stream	East Fork Emerald Creek	42N	01W	15	SWSE	
82	Highline Creek	East Fork Emerald Creek	42N	01W	23	NENE	
83	Unnamed Stream	Highline Creek	42N	01W	23	NENE	
84	Highline Creek	East Fork Emerald Creek	42N	01W	24	NENW	
85	Unnamed Stream	Highline Creek	42N	01W	24	NENW	
86	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
87	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
88	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
89	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
90	Unnamed Stream	Highline Creek	42N	01W	24	NWNE	
91	Highline Creek	East Fork Emerald Creek	42N	01W	24	NWNW	
92	Unnamed Stream	Highline Creek	42N	01W	24	NWNW	
93	Unnamed Stream	Highline Creek	42N	01W	24	SENE	
94	Unnamed Stream	Highline Creek	42N	01W	24	SWNE	

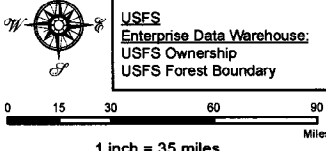
**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 92-11059C**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

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

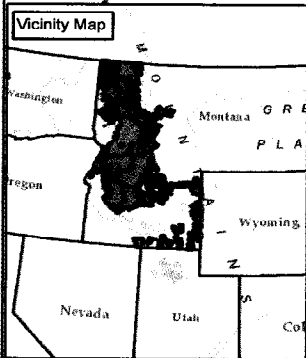
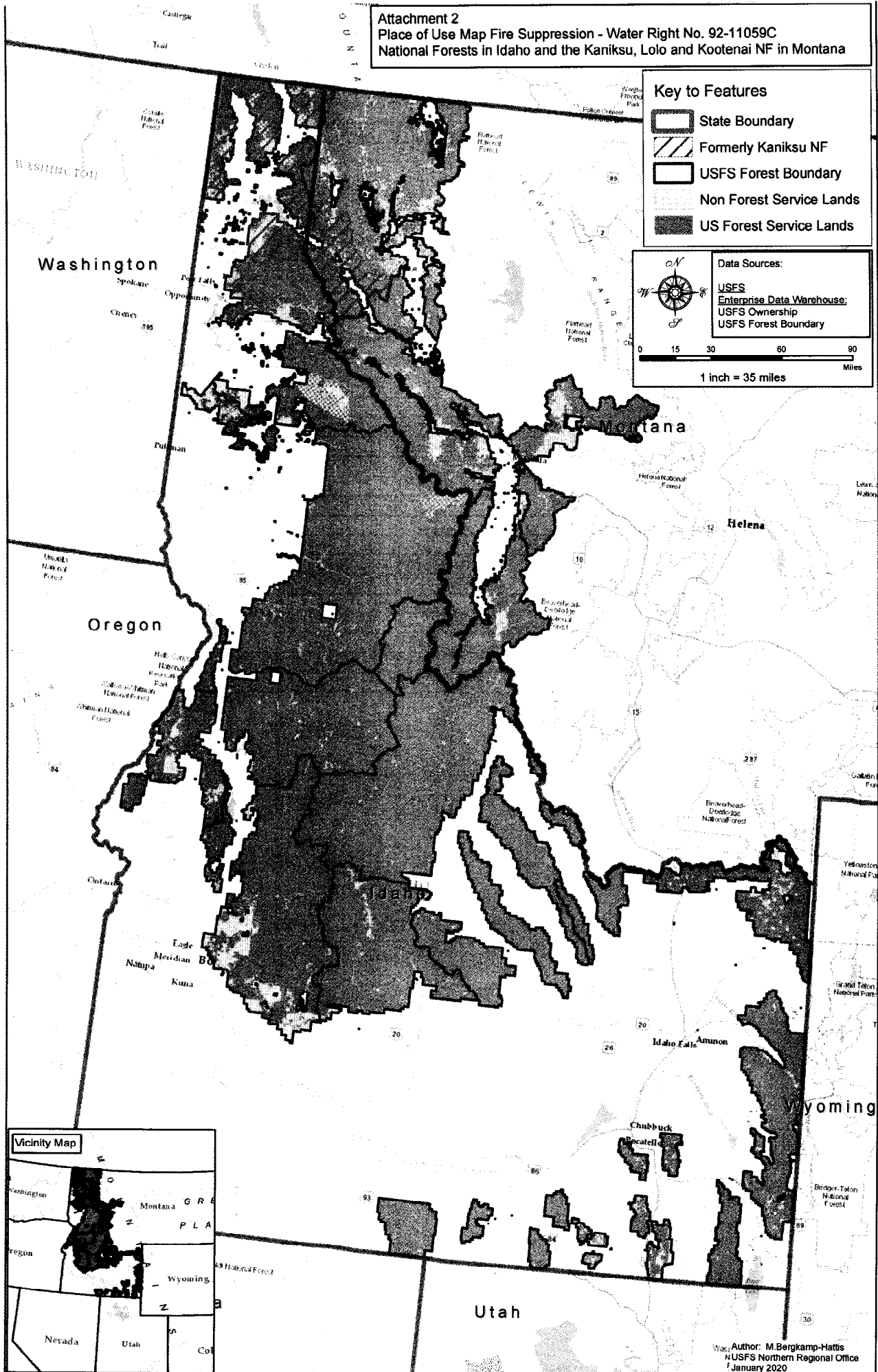
**Data Sources:**

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



0 15 30 60 90  
Miles

1 inch = 35 miles



Work by: Author: M. Bergkamp-Hattis  
 USFS Northern Regional Office  
 January 2020