

**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. 94-09512A

**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 Deer Creek-N. Fork Coeur d'Alene River subwatershed (HUC12 170103010102).

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

**PRIORITY DATE:** 11/06/1906

**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**

*Angelle Wilson*  
 \_\_\_\_\_  
**SPECIAL MASTER**

Eric J. Wildman  
 Presiding Judge of the  
 Coeur d'Alene-Spokane River Adjudication

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Clark Creek	North Fork Coeur d'Alene River	53N	02E	1		
3	Sluice Creek	North Fork Coeur d'Alene River	53N	02E	1		
4	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	1		
5	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	1		
6	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	2		
7	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	2		
8	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	2		
9	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	2		
10	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	2		
11	Wren Creek	North Fork Coeur d'Alene River	53N	02E	2		
12	Devil Creek	North Fork Coeur d'Alene River	53N	02E	3		
13	Imp Creek	Devil Creek	53N	02E	3		
14	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	3		
15	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	3		
16	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	3		
17	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	3		
18	Devil Creek	North Fork Coeur d'Alene River	53N	02E	4		
19	Marten Creek	North Fork Coeur d'Alene River	53N	02E	4		
20	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	4		
21	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	4		
22	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	4		
23	Devil Creek	North Fork Coeur d'Alene River	53N	02E	5		
24	Unnamed Stream	Devil Creek	53N	02E	5		
25	Unnamed Stream	Devil Creek	53N	02E	5		
26	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	5		
27	Devil Creek	North Fork Coeur d'Alene River	53N	02E	6		
28	Unnamed Stream	Devil Creek	53N	02E	6		
29	Devil Creek	North Fork Coeur d'Alene River	53N	02E	8		
30	Unnamed Stream	Devil Creek	53N	02E	8		
31	Unnamed Stream	Devil Creek	53N	02E	8		
32	Unnamed Stream	Devil Creek	53N	02E	8		
33	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	8		
34	Devil Creek	North Fork Coeur d'Alene River	53N	02E	9		
35	Unnamed Stream	Devil Creek	53N	02E	9		
36	Unnamed Stream	Devil Creek	53N	02E	9		
37	Unnamed Stream	Devil Creek	53N	02E	9		
38	Unnamed Stream	Devil Creek	53N	02E	9		
39	Imp Creek	Devil Creek	53N	02E	10		
40	Unnamed Stream	Imp Creek	53N	02E	10		
41	Unnamed Stream	Imp Creek	53N	02E	10		
42	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	10		
43	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	10		
44	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	11		
45	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
46	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
47	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
48	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
49	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
50	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	11		
51	Clark Creek	North Fork Coeur d'Alene River	53N	02E	12		
52	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	02E	12		
53	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
54	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
55	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
56	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
57	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
58	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
59	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
60	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
61	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	12		
62	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	13		
63	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	13		
64	Unnamed Stream	North Fork Coeur d'Alene River	53N	02E	13		
65	Imp Creek	Devil Creek	53N	02E	15		
66	Deer Creek	North Fork Coeur d'Alene River	53N	03E	5		
67	Unnamed Stream	Deer Creek	53N	03E	5		
68	Unnamed Stream	Deer Creek	53N	03E	5		
69	Unnamed Stream	Deer Creek	53N	03E	5		
70	Unnamed Stream	Deer Creek	53N	03E	5		
71	Unnamed Stream	Deer Creek	53N	03E	5		
72	Sluice Creek	North Fork Coeur d'Alene River	53N	03E	6		

1	A	B	C	D	E	F	G
	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
73	Unnamed Stream	Deer Creek	53N	03E	6		
74	Unnamed Stream	Deer Creek	53N	03E	6		
75	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	6		
76	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	6		
77	Unnamed Stream	Sluice Creek	53N	03E	6		
78	Unnamed Stream	Sluice Creek	53N	03E	6		
79	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	7		
80	Sluice Creek	North Fork Coeur d'Alene River	53N	03E	7		
81	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
82	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
83	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
84	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
85	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
86	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
87	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
88	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
89	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	7		
90	Deer Creek	North Fork Coeur d'Alene River	53N	03E	8		
91	North Fork Coeur d'Alene River	Coeur d'Alene River	53N	03E	8		
92	Unnamed Stream	North Fork Coeur d'Alene River	53N	03E	8		
93	Blacktail Creek	Deer Creek	54N	02E	13		
94	Blacktail Creek	Deer Creek	54N	02E	24		
95	Unnamed Stream	Blacktail Creek	54N	02E	24		
96	Unnamed Stream	Blacktail Creek	54N	02E	24		
97	Unnamed Stream	Blacktail Creek	54N	02E	24		
98	Unnamed Stream	Blacktail Creek	54N	02E	25		
99	Unnamed Stream	Whitetail Creek	54N	02E	25		
100	Unnamed Stream	Whitetail Creek	54N	02E	25		
101	Unnamed Stream	Marten Creek	54N	02E	26		
102	Unnamed Stream	Whitetail Creek	54N	02E	26		
103	Unnamed Stream	Whitetail Creek	54N	02E	26		
104	Unnamed Stream	Marten Creek	54N	02E	27		
105	Marten Creek	North Fork Coeur d'Alene River	54N	02E	33	NESE	
106	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	NESW	
107	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	NWSE	
108	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	NWSW	
109	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	SESW	
110	Marten Creek	North Fork Coeur d'Alene River	54N	02E	33	SESE	
111	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	SWNE	
112	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	33	SWNW	
113	Marten Creek	North Fork Coeur d'Alene River	54N	02E	33	SWSE	
114	Marten Creek	North Fork Coeur d'Alene River	54N	02E	34		
115	Unnamed Stream	Marten Creek	54N	02E	34		
116	Unnamed Stream	Marten Creek	54N	02E	34		
117	Unnamed Stream	North Fork Coeur d'Alene River	54N	02E	34		
118	Clark Creek	North Fork Coeur d'Alene River	54N	02E	35		
119	Marten Creek	North Fork Coeur d'Alene River	54N	02E	35		
120	Unnamed Stream	Whitetail Creek	54N	02E	35		
121	Whitetail Creek	Deer Creek	54N	02E	35		
122	Wren Creek	North Fork Coeur d'Alene River	54N	02E	35		
123	Clark Creek	North Fork Coeur d'Alene River	54N	02E	36		
124	Sluice Creek	North Fork Coeur d'Alene River	54N	02E	36		
125	Unnamed Stream	Whitetail Creek	54N	02E	36		
126	Unnamed Stream	Whitetail Creek	54N	02E	36		
127	Unnamed Stream	Whitetail Creek	54N	02E	36		
128	Unnamed Stream	Whitetail Creek	54N	02E	36		
129	Unnamed Stream	Whitetail Creek	54N	02E	36		
130	Unnamed Stream	Whitetail Creek	54N	02E	36		
131	Whitetail Creek	Deer Creek	54N	02E	36		
132	Unnamed Stream	Blacktail Creek	54N	03E	17		
133	Blacktail Creek	Deer Creek	54N	03E	18		
134	Unnamed Stream	Blacktail Creek	54N	03E	18		
135	Blacktail Creek	Deer Creek	54N	03E	19		
136	Unnamed Stream	Blacktail Creek	54N	03E	19		
137	Unnamed Stream	Blacktail Creek	54N	03E	19		
138	Unnamed Stream	Blacktail Creek	54N	03E	19		
139	Unnamed Stream	Blacktail Creek	54N	03E	19		
140	Unnamed Stream	Blacktail Creek	54N	03E	19		
141	Unnamed Stream	Blacktail Creek	54N	03E	20		
142	Unnamed Stream	Blacktail Creek	54N	03E	20		
143	Unnamed Stream	Blacktail Creek	54N	03E	20		

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
144	Unnamed Stream	Blacktail Creek	54N	03E	20		
145	Unnamed Stream	Blacktail Creek	54N	03E	29		
146	Unnamed Stream	Blacktail Creek	54N	03E	29		
147	Blacktail Creek	Deer Creek	54N	03E	30		
148	Unnamed Stream	Blacktail Creek	54N	03E	30		
149	Unnamed Stream	Blacktail Creek	54N	03E	30		
150	Unnamed Stream	Blacktail Creek	54N	03E	30		
151	Unnamed Stream	Blacktail Creek	54N	03E	30		
152	Unnamed Stream	Blacktail Creek	54N	03E	30		
153	Unnamed Stream	Whitetail Creek	54N	03E	30		
154	Unnamed Stream	Whitetail Creek	54N	03E	30		
155	Blacktail Creek	Deer Creek	54N	03E	31		
156	Unnamed Stream	Whitetail Creek	54N	03E	31		
157	Unnamed Stream	Whitetail Creek	54N	03E	31		
158	Unnamed Stream	Whitetail Creek	54N	03E	31		
159	Unnamed Stream	Whitetail Creek	54N	03E	31		
160	Unnamed Stream	Whitetail Creek	54N	03E	31		
161	Unnamed Stream	Whitetail Creek	54N	03E	31		
162	Whitetail Creek	Deer Creek	54N	03E	31		
163	Blacktail Creek	Deer Creek	54N	03E	32		
164	Deer Creek	North Fork Coeur d'Alene River	54N	03E	32		
165	Unnamed Stream	Blacktail Creek	54N	03E	32		
166	Unnamed Stream	Deer Creek	54N	03E	32		
167	Whitetail Creek	Deer Creek	54N	03E	32		



Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 94-09512A  
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

**Key to Features**

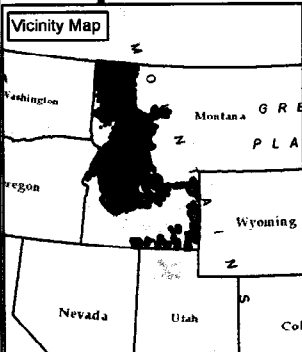
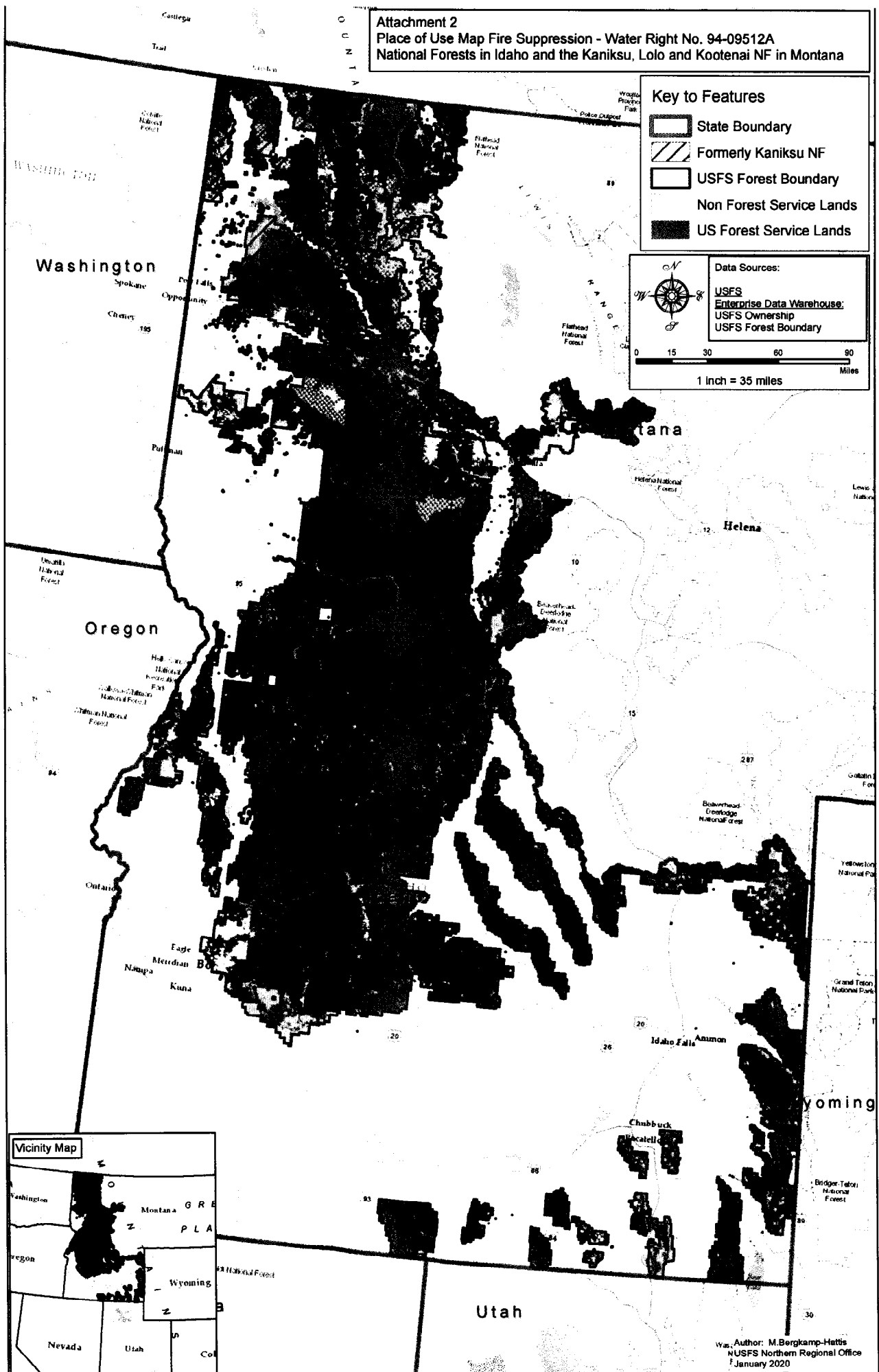
- State Boundary
- Formerly Kaniksu NF
- USFS Forest Boundary
- Non Forest Service Lands
- US Forest Service Lands

**Data Sources:**

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

1 inch = 35 miles



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