

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. 94-09527A

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 Burnt Cabin Creek-Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010602).

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 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 |
|-----|----------------|---------------------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | OO | SURVEY CODE AND NUMBER |
| 002 | Unnamed Stream | Cascade Creek | 51N | 01W | 2 | NENE | |
| 003 | Unnamed Stream | Cascade Creek | 51N | 01W | 2 | NENE | |
| 004 | Cascade Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 2 | NENW | |
| 005 | Cascade Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 2 | NWNE | |
| 006 | Unnamed Stream | Cascade Creek | 51N | 01W | 2 | NWNE | |
| 007 | Unnamed Stream | Cascade Creek | 51N | 01W | 2 | NWNE | |
| 008 | Unnamed Stream | Cascade Creek | 51N | 01W | 2 | NWNE | |
| 009 | Cascade Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 2 | NWNW | |
| 010 | Unnamed Stream | Cascade Creek | 51N | 01W | 2 | SENE | |
| 011 | Cascade Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 2 | SWNW | |
| 012 | Cascade Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 4 | | |
| 013 | Unnamed Stream | Cascade Creek | 51N | 01W | 4 | | |
| 014 | Unnamed Stream | Cascade Creek | 51N | 01W | 4 | | |
| 015 | Unnamed Stream | Walker Creek | 51N | 01W | 4 | | |
| 016 | Unnamed Stream | Walker Creek | 51N | 01W | 4 | | |
| 017 | Walker Creek | Cascade Creek | 51N | 01W | 4 | | |
| 018 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 5 | | |
| 019 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | NENW | |
| 020 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | NENW | |
| 021 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | NWNE | |
| 022 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | SENE | |
| 023 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | SENE | |
| 024 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | SWNE | |
| 025 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | SWNE | |
| 026 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 8 | SWNE | |
| 027 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NENE | |
| 028 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NENW | |
| 029 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NENW | |
| 030 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NESE | |
| 031 | Cascade Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 9 | NWNE | |
| 032 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NWNE | |
| 033 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NWNE | |
| 034 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NWNE | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|---------------------------------------|---------------------------------------|----------|-------|---------|------|------------------------|
| | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 001 | | | | | | | |
| 035 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NWNW | |
| 036 | Unnamed Stream | Cascade Creek | 51N | 01W | 9 | NWSE | |
| 037 | Little North Fork Coeur d'Alene River | North Fork Coeur d'Alene River | 51N | 01W | 9 | NWSW | |
| 038 | Cascade Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 9 | SWNE | |
| 039 | Unnamed Stream | Picnic Creek | 51N | 01W | 10 | NESW | |
| 040 | Unnamed Stream | Cascade Creek | 51N | 01W | 10 | NWNW | |
| 041 | Unnamed Stream | Picnic Creek | 51N | 01W | 10 | SENE | |
| 042 | Unnamed Stream | Picnic Creek | 51N | 01W | 10 | SENE | |
| 043 | Unnamed Stream | Picnic Creek | 51N | 01W | 10 | SESW | |
| 044 | Unnamed Stream | Picnic Creek | 51N | 01W | 10 | SWNE | |
| 045 | Unnamed Stream | Picnic Creek | 51N | 01W | 10 | SWNE | |
| 046 | Unnamed Stream | Cascade Creek | 51N | 01W | 10 | SWNW | |
| 047 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | NENE | |
| 048 | Picnic Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 12 | NENW | |
| 049 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | NENW | |
| 050 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | NENW | |
| 051 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | NWNE | |
| 052 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | NWSE | |
| 053 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | SENE | |
| 054 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | SWNP | |
| 055 | Unnamed Stream | Picnic Creek | 51N | 01W | 12 | SWSW | |
| 056 | Unnamed Stream | Picnic Creek | 51N | 01W | 14 | | |
| 057 | Unnamed Stream | Unnamed Stream | 51N | 01W | 14 | | |
| 058 | Unnamed Stream | Picnic Creek | 51N | 01W | 14 | | |
| 059 | Picnic Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | NESE | |
| 060 | Thiesen Creek | Picnic Creek | 51N | 01W | 16 | NESE | |
| 061 | Unnamed Stream | Picnic Creek | 51N | 01W | 16 | NWNE | |
| 062 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | NWSE | |
| 063 | Little North Fork Coeur d'Alene River | North Fork Coeur d'Alene River | 51N | 01W | 16 | NWSE | |
| 064 | Picnic Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | NWSE | |
| 065 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | NWSE | |
| 066 | Picnic Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | SENE | |
| 067 | Little North Fork Coeur d'Alene River | North Fork Coeur d'Alene River | 51N | 01W | 16 | SWNE | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|---------------------------------------|---------------------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 068 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | SWNE | |
| 069 | Unnamed Stream | Picnic Creek | 51N | 01W | 16 | SWNE | |
| 070 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | SWSE | |
| 071 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 16 | SWSE | |
| 072 | Half Mile Creek | Burnt Cabin Creek | 51N | 01W | 17 | NENW | |
| 073 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 17 | NESE | |
| 074 | George Creek | Burnt Cabin Creek | 51N | 01W | 17 | NWSW | |
| 075 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 17 | SESE | |
| 076 | George Creek | Burnt Cabin Creek | 51N | 01W | 17 | SESW | |
| 077 | George Creek | Burnt Cabin Creek | 51N | 01W | 17 | SWSW | |
| 078 | George Creek | Burnt Cabin Creek | 51N | 01W | 18 | NESE | |
| 079 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 18 | NESW | |
| 080 | Lone Cabin Creek | Burnt Cabin Creek | 51N | 01W | 18 | NESW | |
| 081 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 18 | NWSE | |
| 082 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 18 | NWSW | L 3 |
| 083 | Lone Cabin Creek | Burnt Cabin Creek | 51N | 01W | 18 | SESW | |
| 084 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 18 | SWNE | |
| 085 | George Creek | Burnt Cabin Creek | 51N | 01W | 18 | SWNE | |
| 086 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 18 | SWNW | L 2 |
| 087 | Lone Cabin Creek | Burnt Cabin Creek | 51N | 01W | 19 | | |
| 088 | Unnamed Stream | Haynes Creek | 51N | 01W | 19 | | |
| 089 | Unnamed Stream | Lone Cabin Creek | 51N | 01W | 19 | | |
| 090 | Unnamed Stream | Lone Cabin Creek | 51N | 01W | 19 | | |
| 091 | George Creek | Burnt Cabin Creek | 51N | 01W | 20 | NENW | |
| 092 | Unnamed Stream | Unnamed Stream | 51N | 01W | 20 | NESW | |
| 093 | George Creek | Burnt Cabin Creek | 51N | 01W | 20 | NWNE | |
| 094 | Unnamed Stream | Unnamed Stream | 51N | 01W | 20 | NWSW | |
| 095 | George Creek | Burnt Cabin Creek | 51N | 01W | 20 | SWNE | |
| 096 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 21 | NWNE | |
| 097 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 21 | NWNW | |
| 098 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 21 | NWSE | |
| 099 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 21 | SWNE | |
| 100 | Unnamed Stream | Thiesen Creek | 51N | 01W | 22 | | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|---------------------------------------|---------------------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 101 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 28 | NENW | |
| 102 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 28 | NWNW | |
| 103 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 28 | NWNW | |
| 104 | Deception Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 28 | NWSW | |
| 105 | Sands Creek | Deception Creek | 51N | 01W | 28 | NWSW | |
| 106 | Little North Fork Coeur d'Alene River | Little North Fork Coeur d'Alene River | 51N | 01W | 28 | SWNW | |
| 107 | Sands Creek | Deception Creek | 51N | 01W | 28 | SWSW | |
| 108 | Ames Creek | Deception Creek | 51N | 01W | 29 | | |
| 109 | Deception Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 29 | | |
| 110 | Demorest Creek | Deception Creek | 51N | 01W | 29 | | |
| 111 | Hoodoo Creek | Deception Creek | 51N | 01W | 29 | | |
| 112 | Unnamed Stream | Little North Fork Coeur d'Alene River | 51N | 01W | 29 | | |
| 113 | Deception Creek | Little North Fork Coeur d'Alene River | 51N | 01W | 30 | | |
| 114 | Haynes Creek | Deception Creek | 51N | 01W | 30 | | |
| 115 | Haynes Creek | Picnic Creek | 51N | 01W | 30 | | |
| 116 | Miller Creek | Deception Creek | 51N | 01W | 30 | | |
| 117 | Montford Creek | Deception Creek | 51N | 01W | 30 | | |
| 118 | Tripple Cross Creek | Deception Creek | 51N | 01W | 30 | | |
| 119 | Unnamed Stream | Haynes Creek | 51N | 01W | 30 | | |
| 120 | Montford Creek | Deception Creek | 51N | 01W | 31 | | |
| 121 | Sands Creek | Deception Creek | 51N | 01W | 31 | | |
| 122 | Unnamed Stream | Montford Creek | 51N | 01W | 31 | | |
| 123 | Ames Creek | Deception Creek | 51N | 01W | 32 | NWNE | |
| 124 | Sands Creek | Deception Creek | 51N | 01W | 32 | NWSW | |
| 125 | Sands Creek | Deception Creek | 51N | 01W | 32 | SENW | |
| 126 | Sands Creek | Deception Creek | 51N | 01W | 32 | SWNW | |
| 127 | Unnamed Stream | Bottom Creek | 51N | 02W | 10 | | |
| 128 | Bottom Creek | Burnt Cabin Creek | 51N | 02W | 11 | | |
| 129 | Unnamed Stream | Bottom Creek | 51N | 02W | 11 | | |
| 130 | Unnamed Stream | Bottom Creek | 51N | 02W | 11 | | |
| 131 | Unnamed Stream | Bottom Creek | 51N | 02W | 11 | | |
| 132 | Unnamed Stream | Bottom Creek | 51N | 02W | 11 | | |
| 133 | Bottom Creek | Burnt Cabin Creek | 51N | 02W | 12 | | |

Attachment 1






| | A | B | C | D | E | F | G |
|-----|-------------------|---------------------------------------|----------|-------|---------|----|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 134 | Unnamed Stream | Bottom Creek | 51N | 02W | 12 | | |
| 135 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 12 | | |
| 136 | Bottom Creek | Burnt Cabin Creek | 51N | 02W | 13 | | |
| 137 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 02W | 13 | | |
| 138 | Unnamed Stream | Bottom Creek | 51N | 02W | 13 | | |
| 139 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 13 | | |
| 140 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 13 | | |
| 141 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 13 | | |
| 142 | Unnamed Stream | Bottom Creek | 51N | 02W | 14 | | |
| 143 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 14 | | |
| 144 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 14 | | |
| 145 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 14 | | |
| 146 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 02W | 15 | | |
| 147 | Lost Mine Creek | Burnt Cabin Creek | 51N | 02W | 15 | | |
| 148 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 15 | | |
| 149 | Unnamed Stream | Lost Mine Creek | 51N | 02W | 15 | | |
| 150 | Unnamed Stream | Lost Mine Creek | 51N | 02W | 15 | | |
| 151 | Unnamed Stream | Lost Mine Creek | 51N | 02W | 16 | | |
| 152 | Unnamed Stream | Lost Mine Creek | 51N | 02W | 16 | | |
| 153 | Lost Mine Creek | Burnt Cabin Creek | 51N | 02W | 21 | | |
| 154 | Unnamed Stream | Lost Mine Creek | 51N | 02W | 21 | | |
| 155 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 02W | 22 | | |
| 156 | Lost Mine Creek | Burnt Cabin Creek | 51N | 02W | 22 | | |
| 157 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 22 | | |
| 158 | Unnamed Stream | Lost Mine Creek | 51N | 02W | 22 | | |
| 159 | Unnamed Stream | Lost Mine Creek | 51N | 02W | 22 | | |
| 160 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 02W | 23 | | |
| 161 | Lone Cabin Creek | Burnt Cabin Creek | 51N | 02W | 23 | | |
| 162 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 23 | | |
| 163 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 23 | | |
| 164 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 23 | | |
| 165 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 23 | | |
| 166 | Unnamed Stream | Burnt Cabin Creek | 51N | 02W | 23 | | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|-------------------|---------------------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 167 | Burnt Cabin Creek | Little North Fork Coeur d'Alene River | 51N | 02W | 24 | | |
| 168 | Lone Cabin Creek | Burnt Cabin Creek | 51N | 02W | 24 | | |
| 169 | Unnamed Stream | Lone Cabin Creek | 51N | 02W | 24 | | |
| 170 | Blue Rock Creek | Deception Creek | 51N | 02W | 25 | | |
| 171 | Deception Creek | Little North Fork Coeur d'Alene River | 51N | 02W | 25 | | |
| 172 | Unnamed Stream | Deception Creek | 51N | 02W | 25 | | |
| 173 | Deception Creek | Little North Fork Coeur d'Alene River | 51N | 02W | 26 | | |
| 174 | Walker Creek | Cascade Creek | 52N | 01W | 33 | | |
| 175 | Unnamed Stream | Cascade Creek | 52N | 01W | 34 | | |
| 176 | Unnamed Stream | Walker Creek | 52N | 01W | 34 | | |
| 177 | Walker Creek | Cascade Creek | 52N | 01W | 34 | | |
| 178 | Cascade Creek | Little North Fork Coeur d'Alene River | 52N | 01W | 35 | | |
| 179 | Unnamed Stream | Cascade Creek | 52N | 01W | 35 | | |
| 180 | Unnamed Stream | Cascade Creek | 52N | 01W | 35 | | |
| 181 | Unnamed Stream | Cascade Creek | 52N | 01W | 35 | | |
| 182 | Unnamed Stream | Cascade Creek | 52N | 01W | 36 | | |
| 183 | Unnamed Marsh | Sinks | 51N | 01W | 16 | | |
| 184 | Unnamed Spring | Sinks | 51N | 01W | 16 | NWNE | |

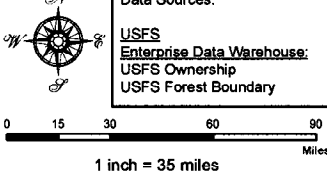
Attachment 2
 Place of Use Map Fire Suppression Water Right No. 94-09527A
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

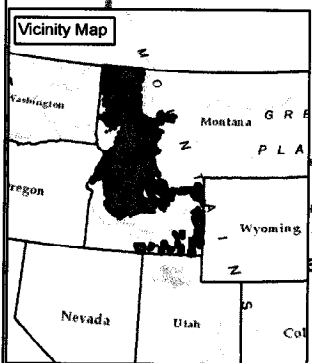
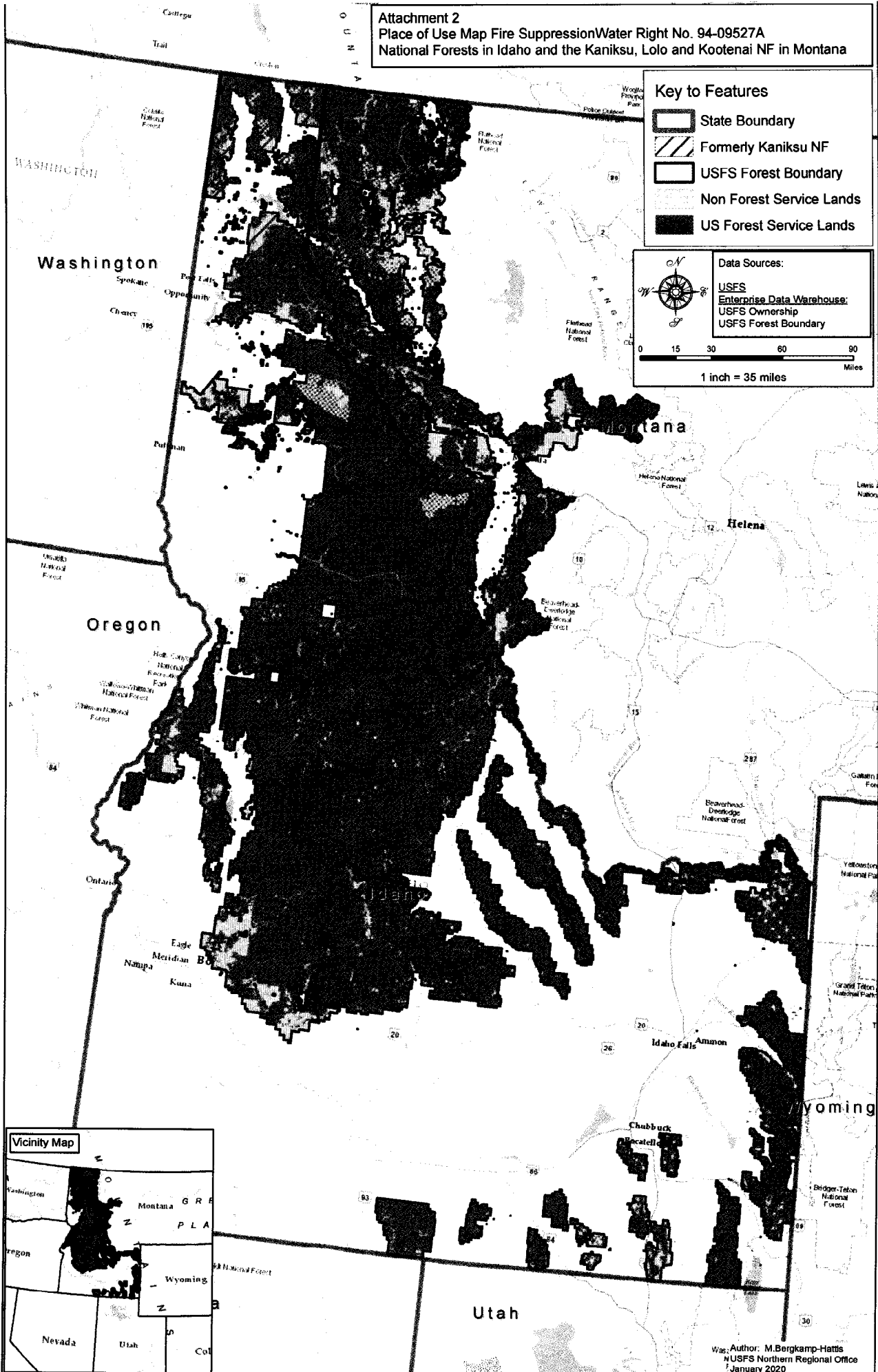
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

Data Sources:

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



0 15 30 60 90
Miles
1 inch = 35 miles



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