

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. 94-09540

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 Big Creek subwatershed (HUC12 170103020302).

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:	<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 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	East Fork Big Creek	Big Creek	47N	03E	1		
3	Unnamed Stream	East Fork Big Creek	47N	03E	1		
4	Unnamed Stream	East Fork Big Creek	47N	03E	1		
5	Unnamed Stream	East Fork Big Creek	47N	03E	1		
6	Unnamed Stream	East Fork Big Creek	47N	03E	1		
7	Unnamed Stream	East Fork Big Creek	47N	03E	2		
8	Big Creek	South Fork Coeur d'Alene River	47N	03E	3		
9	Ink Creek	Big Creek	47N	03E	3		
10	Unnamed Stream	Big Creek	47N	03E	3		
11	Unnamed Stream	Big Creek	47N	03E	3		
12	Unnamed Stream	Big Creek	47N	03E	3		
13	Unnamed Stream	Big Creek	47N	03E	3		
14	Unnamed Stream	Big Creek	47N	03E	3		
15	Unnamed Stream	Big Creek	47N	03E	3		
16	Big Creek	South Fork Coeur d'Alene River	47N	03E	4		
17	Elf Creek	Big Creek	47N	03E	4		
18	Ink Creek	Big Creek	47N	03E	4		
19	Unnamed Stream	Big Creek	47N	03E	4		
20	Unnamed Stream	Big Creek	47N	03E	4		
21	Unnamed Stream	Big Creek	47N	03E	4		
22	Unnamed Stream	Elf Creek	47N	03E	4		
23	Unnamed Stream	Elf Creek	47N	03E	4		
24	Unnamed Stream	Big Creek	47N	03E	5		
25	Unnamed Stream	Elf Creek	47N	03E	5		
26	Unnamed Stream	Elf Creek	47N	03E	5		
27	Unnamed Stream	Elf Creek	47N	03E	5		
28	Unnamed Stream	Elf Creek	47N	03E	5		
29	Unnamed Stream	Elf Creek	47N	03E	5		
30	Unnamed Stream	Elf Creek	47N	03E	6		
31	Dot Creek	Big Creek	47N	03E	8		
32	Elf Creek	Big Creek	47N	03E	8		
33	Unnamed Stream	Dot Creek	47N	03E	8		
34	Unnamed Stream	Elf Creek	47N	03E	8		
35	Unnamed Stream	Elf Creek	47N	03E	8		
36	Unnamed Stream	Elf Creek	47N	03E	8		
37	Big Creek	South Fork Coeur d'Alene River	47N	03E	9		
38	Dot Creek	Big Creek	47N	03E	9		
39	Elf Creek	Big Creek	47N	03E	9		
40	Unnamed Stream	Dot Creek	47N	03E	9		
41	Unnamed Stream	Dot Creek	47N	03E	9		
42	Unnamed Stream	Dot Creek	47N	03E	9		
43	Big Creek	South Fork Coeur d'Alene River	47N	03E	10		
44	Dot Creek	Big Creek	47N	03E	10		
45	Ink Creek	Big Creek	47N	03E	10		
46	Pen Creek	Big Creek	47N	03E	10		
47	Unnamed Stream	Big Creek	47N	03E	10		
48	Unnamed Stream	Big Creek	47N	03E	10		
49	Unnamed Stream	Big Creek	47N	03E	10		
50	Ink Creek	Big Creek	47N	03E	11		
51	Pen Creek	Big Creek	47N	03E	11		
52	Unnamed Stream	Pen Creek	47N	03E	11		
53	Unnamed Stream	Pen Creek	47N	03E	11		
54	Unnamed Stream	Pen Creek	47N	03E	11		
55	East Fork Big Creek	Big Creek	47N	03E	12		
56	Unnamed Stream	East Fork Big Creek	47N	03E	12		
57	Unnamed Stream	East Fork Big Creek	47N	03E	12		
58	Unnamed Stream	East Fork Big Creek	47N	03E	13		
59	Unnamed Stream	East Fork Big Creek	47N	03E	13		
60	Unnamed Stream	East Fork Big Creek	47N	03E	13		
61	Big Creek	South Fork Coeur d'Alene River	47N	03E	14		
62	Unnamed Stream	Big Creek	47N	03E	14		
63	Unnamed Stream	Big Creek	47N	03E	14		
64	Unnamed Stream	Big Creek	47N	03E	14		

Attachment 1






	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
65	Big Creek	South Fork Coeur d'Alene River	47N	03E	15		
66	Unnamed Stream	Big Creek	47N	03E	15		
67	Unnamed Stream	Big Creek	47N	03E	15		
68	Unnamed Stream	Big Creek	47N	03E	15		
69	Unnamed Stream	Big Creek	47N	03E	15		
70	Unnamed Stream	Big Creek	47N	03E	15		
71	Unnamed Stream	Big Creek	47N	03E	15		
72	Unnamed Stream	Big Creek	47N	03E	15		
73	Unnamed Stream	Big Creek	47N	03E	15		
74	Unnamed Stream	Big Creek	47N	03E	15		
75	Unnamed Stream	Big Creek	47N	03E	15		
76	Unnamed Stream	Dot Creek	47N	03E	16		
77	Unnamed Stream	Dot Creek	47N	03E	16		
78	Dot Creek	Big Creek	47N	03E	17		
79	Unnamed Stream	Dot Creek	47N	03E	17		
80	Unnamed Stream	Dot Creek	47N	03E	17		
81	Unnamed Stream	East Fork Big Creek	47N	04E	6		
82	Unnamed Stream	East Fork Big Creek	47N	04E	6		
83	East Fork Big Creek	Big Creek	47N	04E	7		
84	East Fork Big Creek	Big Creek	47N	04E	18		
85	Unnamed Stream	Big Creek	48N	03E	20		
86	Unnamed Stream	West Fork Big Creek	48N	03E	20		
87	Unnamed Stream	Big Creek	48N	03E	21		
88	Unnamed Stream	West Fork Big Creek	48N	03E	21		
89	West Fork Big Creek	Big Creek	48N	03E	21		
90	Unnamed Stream	Big Creek	48N	03E	26		
91	Big Creek	South Fork Coeur d'Alene River	48N	03E	27		
92	Unnamed Stream	Big Creek	48N	03E	27		
93	Unnamed Stream	Big Creek	48N	03E	27		
94	Unnamed Stream	Big Creek	48N	03E	27		
95	Unnamed Stream	Big Creek	48N	03E	27		
96	Unnamed Stream	Big Creek	48N	03E	27		
97	Unnamed Stream	Big Creek	48N	03E	27		
98	Unnamed Stream	Big Creek	48N	03E	27		
99	Unnamed Stream	Big Creek	48N	03E	28		
100	Unnamed Stream	Big Creek	48N	03E	28		
101	Unnamed Stream	West Fork Big Creek	48N	03E	28		
102	Unnamed Stream	West Fork Big Creek	48N	03E	28		
103	Unnamed Stream	West Fork Big Creek	48N	03E	28		
104	Unnamed Stream	West Fork Big Creek	48N	03E	28		
105	West Fork Big Creek	Big Creek	48N	03E	28		
106	Unnamed Stream	West Fork Big Creek	48N	03E	29		
107	Unnamed Stream	West Fork Big Creek	48N	03E	29		
108	Unnamed Stream	West Fork Big Creek	48N	03E	29		
109	Unnamed Stream	West Fork Big Creek	48N	03E	29		
110	West Fork Big Creek	Big Creek	48N	03E	29		
111	Unnamed Stream	West Fork Big Creek	48N	03E	30		
112	Unnamed Stream	West Fork Big Creek	48N	03E	31		
113	Unnamed Stream	West Fork Big Creek	48N	03E	31		
114	Unnamed Stream	Big Creek	48N	03E	32		
115	Unnamed Stream	Big Creek	48N	03E	32		
116	Unnamed Stream	West Fork Big Creek	48N	03E	32		
117	Unnamed Stream	West Fork Big Creek	48N	03E	32		
118	Unnamed Stream	West Fork Big Creek	48N	03E	32		
119	Unnamed Stream	West Fork Big Creek	48N	03E	32		
120	Unnamed Stream	West Fork Big Creek	48N	03E	32		
121	Unnamed Stream	Big Creek	48N	03E	33		
122	Unnamed Stream	Big Creek	48N	03E	33		
123	Unnamed Stream	Big Creek	48N	03E	33		
124	Unnamed Stream	West Fork Big Creek	48N	03E	33		
125	Big Creek	South Fork Coeur d'Alene River	48N	03E	34		
126	East Fork Big Creek	Big Creek	48N	03E	34		
127	Unnamed Stream	Big Creek	48N	03E	34		

Attachment 1

1	A	B	C	D	E	F	G
	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
128	Unnamed Stream	Big Creek	48N	03E	34		
129	Unnamed Stream	Big Creek	48N	03E	34		
130	Unnamed Stream	Big Creek	48N	03E	34		
131	Unnamed Stream	Big Creek	48N	03E	34		
132	Unnamed Stream	Big Creek	48N	03E	34		
133	East Fork Big Creek	Big Creek	48N	03E	35		
134	Unnamed Stream	East Fork Big Creek	48N	03E	35		
135	Unnamed Stream	East Fork Big Creek	48N	03E	35		
136	Unnamed Stream	East Fork Big Creek	48N	03E	35		
137	East Fork Big Creek	Big Creek	48N	03E	36		
138	Unnamed Stream	East Fork Big Creek	48N	03E	36		
139	Elsie Lake	East Fork Big Creek	47N	03E	12		
140	Elsie Lake	East Fork Big Creek	47N	03E	13		
141	Unnamed Pond	East Fork Big Creek	47N	03E	13		
142	Unnamed Pond	East Fork Big Creek	47N	03E	13		
143	Unnamed Pond	East Fork Big Creek	47N	04E	18		



Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 94-09540
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

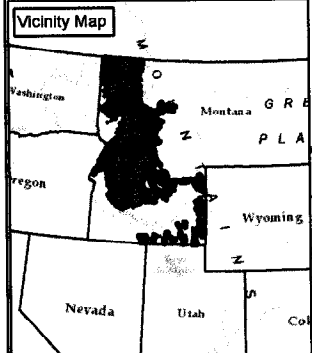
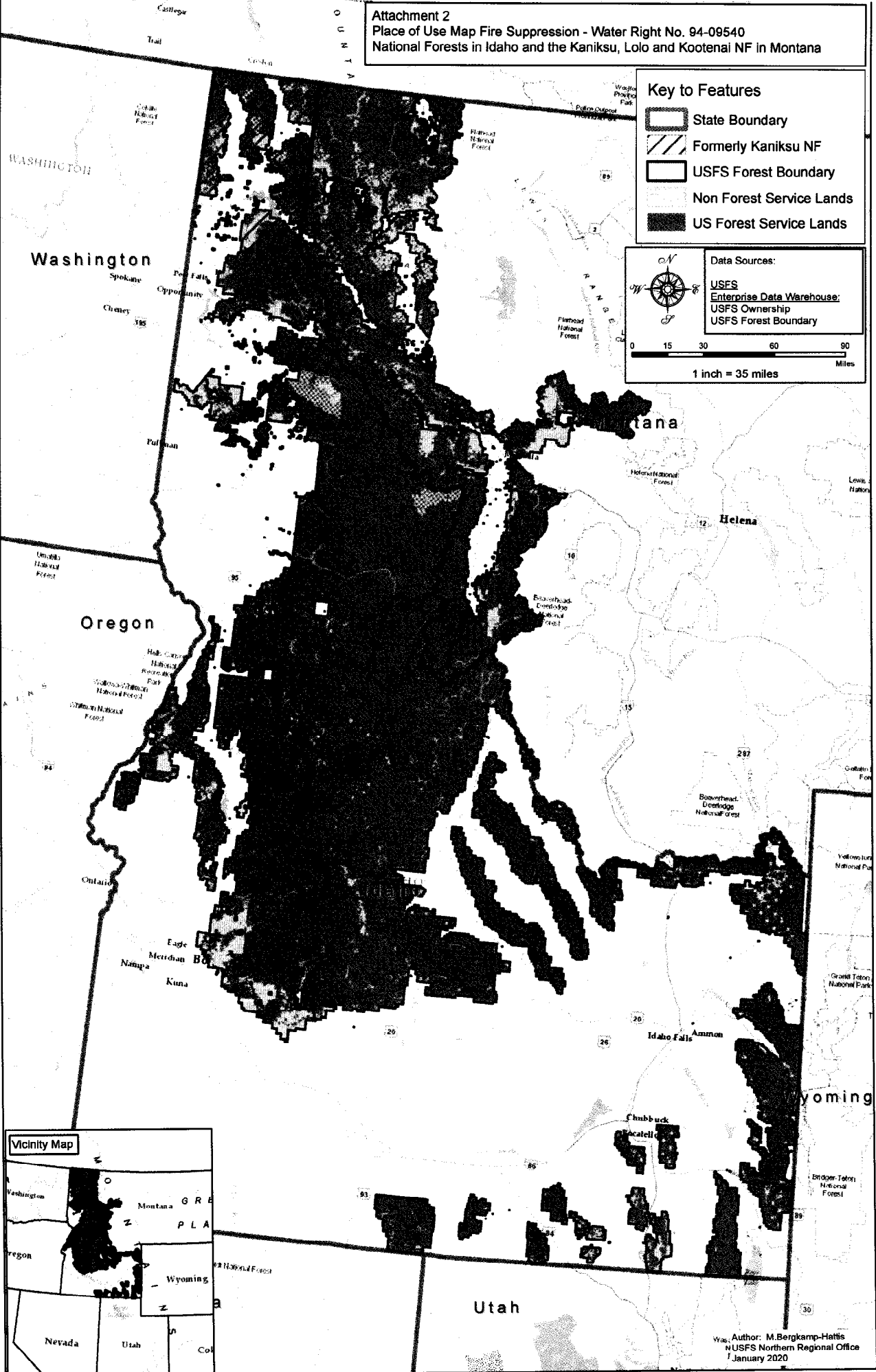
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

Data Sources:

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

1 inch = 35 miles



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