

**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. 94-09544A

**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 Killarney Lake-Coeur d'Alene River subwatershed (HUC12 170103030201).

**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**

*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	Fortier Creek	Killarney Creek	48N	02W	3		
3	Unnamed Stream	Fortier Creek	48N	02W	3		
4	Unnamed Stream	Fortier Creek	48N	02W	3		
5	Chatfield Creek	Killarney Creek	48N	02W	4		
6	Unnamed Stream	Armstrong Creek	48N	02W	4		
7	Unnamed Stream	Fortier Creek	48N	02W	4		
8	Unnamed Stream	Fortier Creek	48N	02W	4		
9	Unnamed Stream	Lane Creek	48N	02W	4		
10	Lane Creek	Killarney Creek	48N	02W	5		
11	Unnamed Stream	Armstrong Creek	48N	02W	5		
12	Unnamed Stream	Lane Creek	48N	02W	5		
13	Lane Creek	Killarney Creek	48N	02W	8	NENE	
14	McGinnis Creek	Lane Creek	48N	02W	8	NESW	
15	Lane Creek	Killarney Creek	48N	02W	8	NWNE	
16	McGinnis Creek	Lane Creek	48N	02W	8	SESW	
17	McGinnis Creek	Lane Creek	48N	02W	8	SWNW	
18	Lane Creek	Killarney Creek	48N	02W	9		
19	Unnamed Stream	Unnamed Stream	48N	02W	17	NESE	
20	Unnamed Stream	McGinnis Creek	48N	02W	17	NWNE	
21	Unnamed Stream	Unnamed Stream	48N	02W	17	SENE	
22	Fortier Creek	Killarney Creek	49N	02W	21		
23	Unnamed Stream	Fortier Creek	49N	02W	21		
24	Unnamed Stream	Fortier Creek	49N	02W	22		
25	Unnamed Stream	Fortier Creek	49N	02W	22		
26	Unnamed Stream	Fortier Creek	49N	02W	22		
27	Unnamed Stream	Fortier Creek	49N	02W	23		
28	Unnamed Stream	Killarney Creek	49N	02W	25		
29	Killarney Creek	Coeur d'Alene River	49N	02W	26	NESW	
30	Killarney Creek	Coeur d'Alene River	49N	02W	26	NWNE	
31	Unnamed Stream	Fortier Creek	49N	02W	26	NWNW	
32	Killarney Creek	Coeur d'Alene River	49N	02W	26	NWSE	
33	Unnamed Stream	Killarney Creek	49N	02W	26	SESE	
34	Killarney Creek	Coeur d'Alene River	49N	02W	26	SWNE	
35	Unnamed Stream	Killarney Creek	49N	02W	26	SWSE	
36	Unnamed Stream	Killarney Creek	49N	02W	26	SWSW	
37	Unnamed Stream	Fortier Creek	49N	02W	27	NENE	
38	Unnamed Stream	Fortier Creek	49N	02W	27	NENW	
39	Fortier Creek	Killarney Creek	49N	02W	27	NESW	
40	Unnamed Stream	Fortier Creek	49N	02W	27	NESW	
41	Unnamed Stream	Fortier Creek	49N	02W	27	NESW	
42	Unnamed Stream	Fortier Creek	49N	02W	27	NWNW	
43	Unnamed Stream	Fortier Creek	49N	02W	27	NWSE	
44	Unnamed Stream	Fortier Creek	49N	02W	27	NWSE	
45	Unnamed Stream	Fortier Creek	49N	02W	27	SENE	
46	Unnamed Stream	Fortier Creek	49N	02W	27	SESW	
47	Unnamed Stream	Killarney Creek	49N	02W	27	SESE	
48	Unnamed Stream	Fortier Creek	49N	02W	27	SWNE	
49	West Fork Fortier Creek	Fortier Creek	49N	02W	28	SESW	
50	Unnamed Stream	Armstrong Creek	49N	02W	29	NENE	
51	Unnamed Stream	Armstrong Creek	49N	02W	29	SESE	
52	Unnamed Stream	Armstrong Creek	49N	02W	29	SWSE	
53	Armstrong Creek	Fortier Creek	49N	02W	32		
54	Unnamed Stream	Armstrong Creek	49N	02W	32		
55	Unnamed Stream	Armstrong Creek	49N	02W	32		
56	Unnamed Stream	Armstrong Creek	49N	02W	32		
57	Unnamed Stream	Armstrong Creek	49N	02W	33	NENW	
58	Unnamed Stream	Armstrong Creek	49N	02W	33	NENW	
59	Armstrong Creek	Fortier Creek	49N	02W	33	NESE	
60	Unnamed Stream	Armstrong Creek	49N	02W	33	NESE	
61	Unnamed Stream	Armstrong Creek	49N	02W	33	NESW	
62	Unnamed Stream	Armstrong Creek	49N	02W	33	NWNW	
63	Armstrong Creek	Fortier Creek	49N	02W	33	NWSE	

## Attachment 1

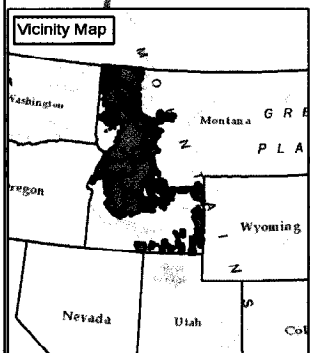
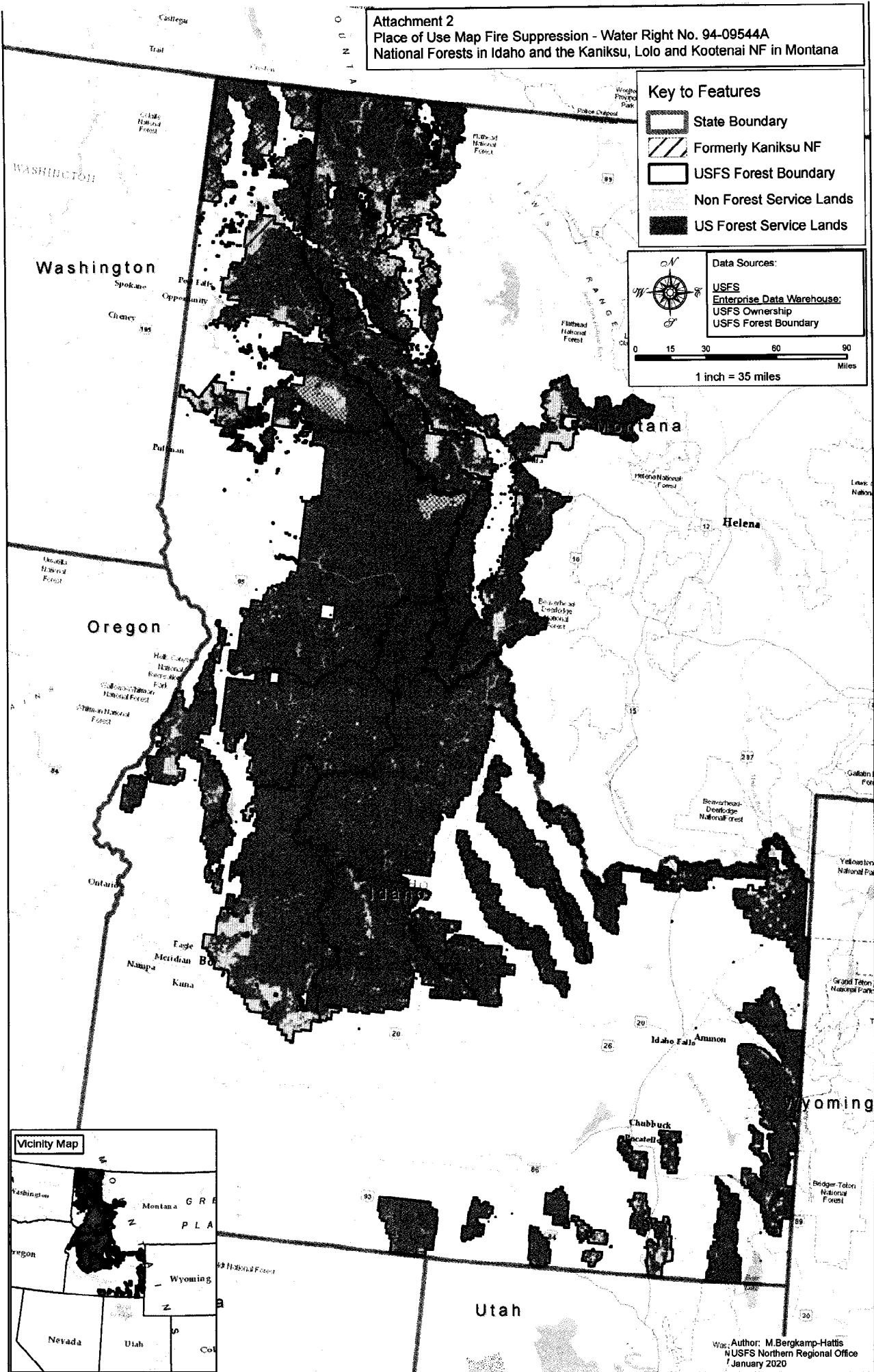
1	A	B	C	D	E	F	G
	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
64	Unnamed Stream	Armstrong Creek	49N	02W	33	NWSE	
65	Armstrong Creek	Fortier Creek	49N	02W	33	NWSW	
66	Unnamed Stream	Armstrong Creek	49N	02W	33	NWSW	
67	Armstrong Creek	Fortier Creek	49N	02W	33	SESW	L 3
68	Unnamed Stream	Armstrong Creek	49N	02W	33	SESW	L 3
69	Unnamed Stream	Armstrong Creek	49N	02W	33	SWNE	
70	Unnamed Stream	Armstrong Creek	49N	02W	33	SWNE	
71	Unnamed Stream	Armstrong Creek	49N	02W	33	SWNW	
72	Armstrong Creek	Fortier Creek	49N	02W	33	SWSE	L 2
73	Armstrong Creek	Fortier Creek	49N	02W	33	SWSW	L 4
74	Unnamed Stream	Armstrong Creek	49N	02W	33	SWSW	L 4
75	Unnamed Stream	Killarney Creek	49N	02W	35	NWNW	
76	Killarney Lake	Coeur d'Alene River	48N	02W	2		
77	Killarney Lake	Coeur d'Alene River	48N	02W	3		
78	Killarney Lake	Coeur d'Alene River	48N	02W	10		
79	Killarney Lake	Coeur d'Alene River	48N	02W	11		

**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 94-09544A**  
**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



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