

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)  
 ) FOR FEDERAL RESERVED  
 Case No. 49576 )  
 ) WATER RIGHT NO. 94-09544E

**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:** 07/13/1935

**POINT OF DIVERSION:** See Attachment 1, Columns C through G

<b>PURPOSE AND PERIOD OF USE:</b>	<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.

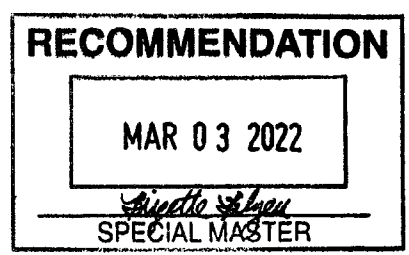
**OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:**

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.








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	Coeur d'Alene River	Coeur d'Alene Lake	48N	01W	5		
3	Killarney Creek	Coeur d'Alene River	48N	02W	2		
4	Coeur d'Alene River	Coeur d'Alene Lake	48N	02W	14		
5	Coeur d'Alene River	Coeur d'Alene Lake	48N	02W	22		
6	Coeur d'Alene River	Coeur d'Alene Lake	48N	02W	27		
7	West Fork Fortier Creek	Fortier Creek	49N	02W	28	SWSE	
8	West Fork Fortier Creek	Fortier Creek	49N	02W	33	NENE	
9	Unnamed Stream	Armstrong Creek	49N	02W	33	NWNE	
10	West Fork Fortier Creek	Fortier Creek	49N	02W	33	NWNE	
11	Killarney Creek	Coeur d'Alene River	49N	02W	35	NENW	
12	Unnamed Stream	Killarney Creek	49N	02W	35	NENW	
13	Unnamed Stream	Killarney Creek	49N	02W	35	NENW	
14	Unnamed Stream	Killarney Creek	49N	02W	35	NWNE	
15	Unnamed Stream	Killarney Creek	49N	02W	35	SENE	
16	Killarney Creek	Coeur d'Alene River	49N	02W	35	SENE	
17	Killarney Creek	Coeur d'Alene River	49N	02W	35	SESW	L 3
18	Unnamed Stream	Killarney Creek	49N	02W	35	SWNE	
19	Killarney Lake	Coeur d'Alene River	48N	02W	14		
20	Unnamed Pond	Coeur d'Alene River	48N	02W	15		
21	Unnamed Marsh	Coeur d'Alene River	48N	02W	14		
22	Unnamed Marsh	Killarney Creek	48N	02W	14		
23	Unnamed Marsh	Killarney Creek	48N	02W	14		
24	Unnamed Marsh	Killarney Creek	48N	02W	14		
25	Unnamed Marsh	Coeur d'Alene River	48N	02W	15		
26	Unnamed Marsh	Coeur d'Alene River	48N	02W	15		
27	Unnamed Marsh	Coeur d'Alene River	48N	02W	15		
28	Unnamed Marsh	Killarney Creek	48N	02W	15		



Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 94-09544E  
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

**Key to Features**

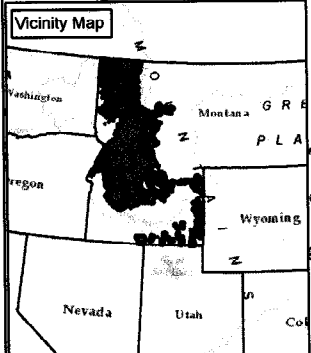
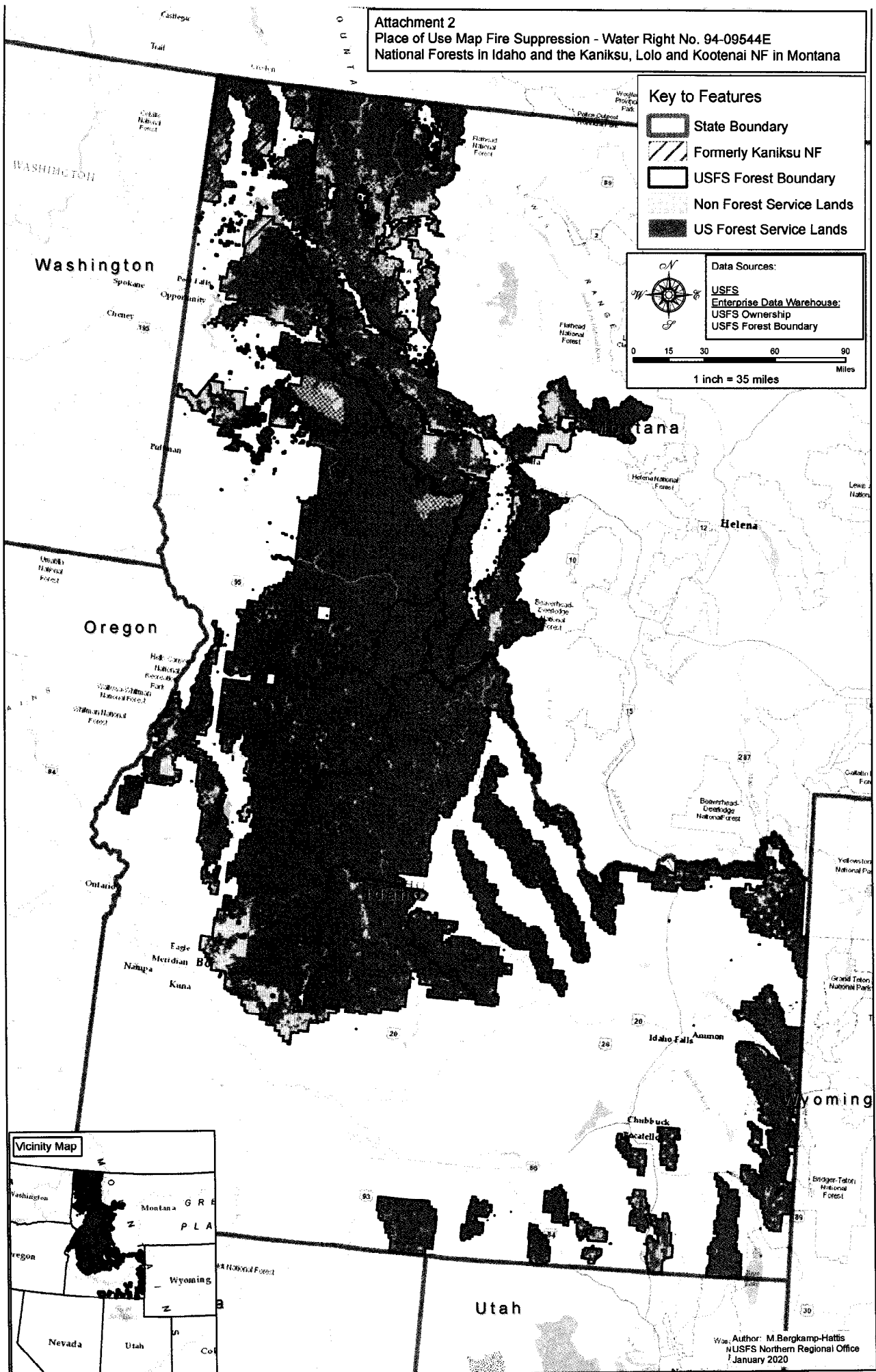
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**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