

**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. 95-17403A

**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 Sage Creek subwatershed (HUC12 170103050301).

**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                      |
|-----|-----------------------|-----------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME           | TO TRIBUTARY          | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 002 | Unnamed Stream        | Roush Creek           | 52N      | 02W   | 02      | NENW | L 3                    |
| 003 | North Fork Sage Creek | Sage Creek            | 52N      | 02W   | 02      | NESW |                        |
| 004 | North Fork Sage Creek | Sage Creek            | 52N      | 02W   | 02      | NWSW |                        |
| 005 | Unnamed Stream        | Roush Creek           | 52N      | 02W   | 02      | SENW |                        |
| 006 | Unnamed Stream        | Roush Creek           | 52N      | 02W   | 02      | SWNE |                        |
| 007 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 03      | NESW |                        |
| 008 | North Fork Sage Creek | Sage Creek            | 52N      | 02W   | 03      | NWNW | L 4                    |
| 009 | Unnamed Stream        | North Fork Sage Creek | 52N      | 02W   | 03      | NWSE |                        |
| 010 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 03      | NWSW |                        |
| 011 | Unnamed Stream        | North Fork Sage Creek | 52N      | 02W   | 03      | SESE |                        |
| 012 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 03      | SESW |                        |
| 013 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 03      | SWNW |                        |
| 014 | Unnamed Stream        | North Fork Sage Creek | 52N      | 02W   | 03      | SWSE |                        |
| 015 | Sage Creek            | Rathdrum Creek        | 52N      | 02W   | 03      | SWSW |                        |
| 016 | North Fork Sage Creek | Sage Creek            | 52N      | 02W   | 04      |      |                        |
| 017 | Sage Creek            | Rathdrum Creek        | 52N      | 02W   | 04      |      |                        |
| 018 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 04      |      |                        |
| 019 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 04      |      |                        |
| 020 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 04      |      |                        |
| 021 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 05      |      |                        |
| 022 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 05      |      |                        |
| 023 | Unnamed Stream        | Sage Creek            | 52N      | 02W   | 09      |      |                        |
| 024 | Sage Creek            | Rathdrum Creek        | 52N      | 02W   | 10      |      |                        |
| 025 | Unnamed Stream        | Sage Creek            | 52N      | 03W   | 01      |      |                        |
| 026 | Unnamed Stream        | Sage Creek            | 52N      | 03W   | 01      |      |                        |
| 027 | Unnamed Stream        | Sage Creek            | 52N      | 03W   | 01      |      |                        |
| 028 | Unnamed Stream        | Sage Creek            | 52N      | 03W   | 01      |      |                        |
| 029 | Unnamed Stream        | Sage Creek            | 52N      | 03W   | 02      | NENE | L 1                    |
| 030 | Unnamed Stream        | Sage Creek            | 52N      | 03W   | 02      | NWNE | L 2                    |

# Attachment 1

|     | A              | B              | C        | D     | E       | F    | G                      |
|-----|----------------|----------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME    | TO TRIBUTARY   | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 031 | Unnamed Stream | Sage Creek     | 52N      | 03W   | 02      | NWSE |                        |
| 032 | Unnamed Stream | Sage Creek     | 52N      | 03W   | 02      | SWNE |                        |
| 033 | Unnamed Stream | Barker Creek   | 53N      | 02W   | 14      |      |                        |
| 034 | Barker Creek   | Sinks          | 53N      | 02W   | 22      |      |                        |
| 035 | Unnamed Stream | Barker Creek   | 53N      | 02W   | 22      |      |                        |
| 036 | Unnamed Stream | Barker Creek   | 53N      | 02W   | 22      |      |                        |
| 037 | Unnamed Stream | Trapper Creek  | 53N      | 02W   | 22      |      |                        |
| 038 | Barker Creek   | Sinks          | 53N      | 02W   | 23      |      |                        |
| 039 | Unnamed Stream | Barker Creek   | 53N      | 02W   | 23      |      |                        |
| 040 | Barker Creek   | Sinks          | 53N      | 02W   | 26      |      |                        |
| 041 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 26      |      |                        |
| 042 | Trapper Creek  | Lewellen Creek | 53N      | 02W   | 27      |      |                        |
| 043 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 27      |      |                        |
| 044 | Unnamed Stream | Trapper Creek  | 53N      | 02W   | 27      |      |                        |
| 045 | Unnamed Stream | Trapper Creek  | 53N      | 02W   | 27      |      |                        |
| 046 | Unnamed Stream | Trapper Creek  | 53N      | 02W   | 27      |      |                        |
| 047 | Unnamed Stream | Trapper Creek  | 53N      | 02W   | 27      |      |                        |
| 048 | Trapper Creek  | Lewellen Creek | 53N      | 02W   | 28      | NENE |                        |
| 049 | Trapper Creek  | Lewellen Creek | 53N      | 02W   | 28      | SENE |                        |
| 050 | Unnamed Stream | Trapper Creek  | 53N      | 02W   | 28      | SENE |                        |
| 051 | Trapper Creek  | Lewellen Creek | 53N      | 02W   | 28      | SWNE |                        |
| 052 | Roush Creek    | Lewellen Creek | 53N      | 02W   | 28      | SWSE |                        |
| 053 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 33      | NESE |                        |
| 054 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 33      | NESE |                        |
| 055 | Roush Creek    | Lewellen Creek | 53N      | 02W   | 33      | NWNE |                        |
| 056 | Unnamed Stream | Green Creek    | 53N      | 02W   | 33      | NWSE |                        |
| 057 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 33      | SENE |                        |
| 058 | Unnamed Stream | Lewellen Creek | 53N      | 02W   | 33      | SWNE |                        |
| 059 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | NENE |                        |

## Attachment 1

|     | A              | B              | C        | D     | E       | F    | G                      |
|-----|----------------|----------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME    | TO TRIBUTARY   | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 060 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | NENE |                        |
| 061 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | NENW |                        |
| 062 | Roush Creek    | Lewellen Creek | 53N      | 02W   | 34      | NESE |                        |
| 063 | Unnamed Stream | Lewellen Creek | 53N      | 02W   | 34      | NESW |                        |
| 064 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | NWNE |                        |
| 065 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | NWNE |                        |
| 066 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | NWNE |                        |
| 067 | Roush Creek    | Lewellen Creek | 53N      | 02W   | 34      | NWSE |                        |
| 068 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | NWSW |                        |
| 069 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 34      | SENE |                        |
| 070 | Roush Creek    | Lewellen Creek | 53N      | 02W   | 34      | SENW |                        |
| 071 | Unnamed Stream | Lewellen Creek | 53N      | 02W   | 34      | SENW |                        |
| 072 | Roush Creek    | Lewellen Creek | 53N      | 02W   | 34      | SESE |                        |
| 073 | Roush Creek    | Lewellen Creek | 53N      | 02W   | 34      | SWNE |                        |
| 074 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 35      |      |                        |
| 075 | Unnamed Stream | Roush Creek    | 53N      | 02W   | 35      |      |                        |



**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 95-17403A**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

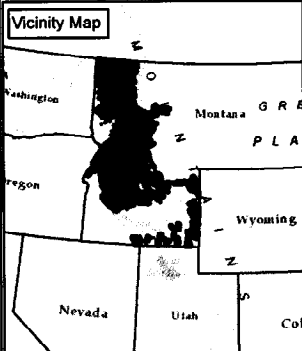
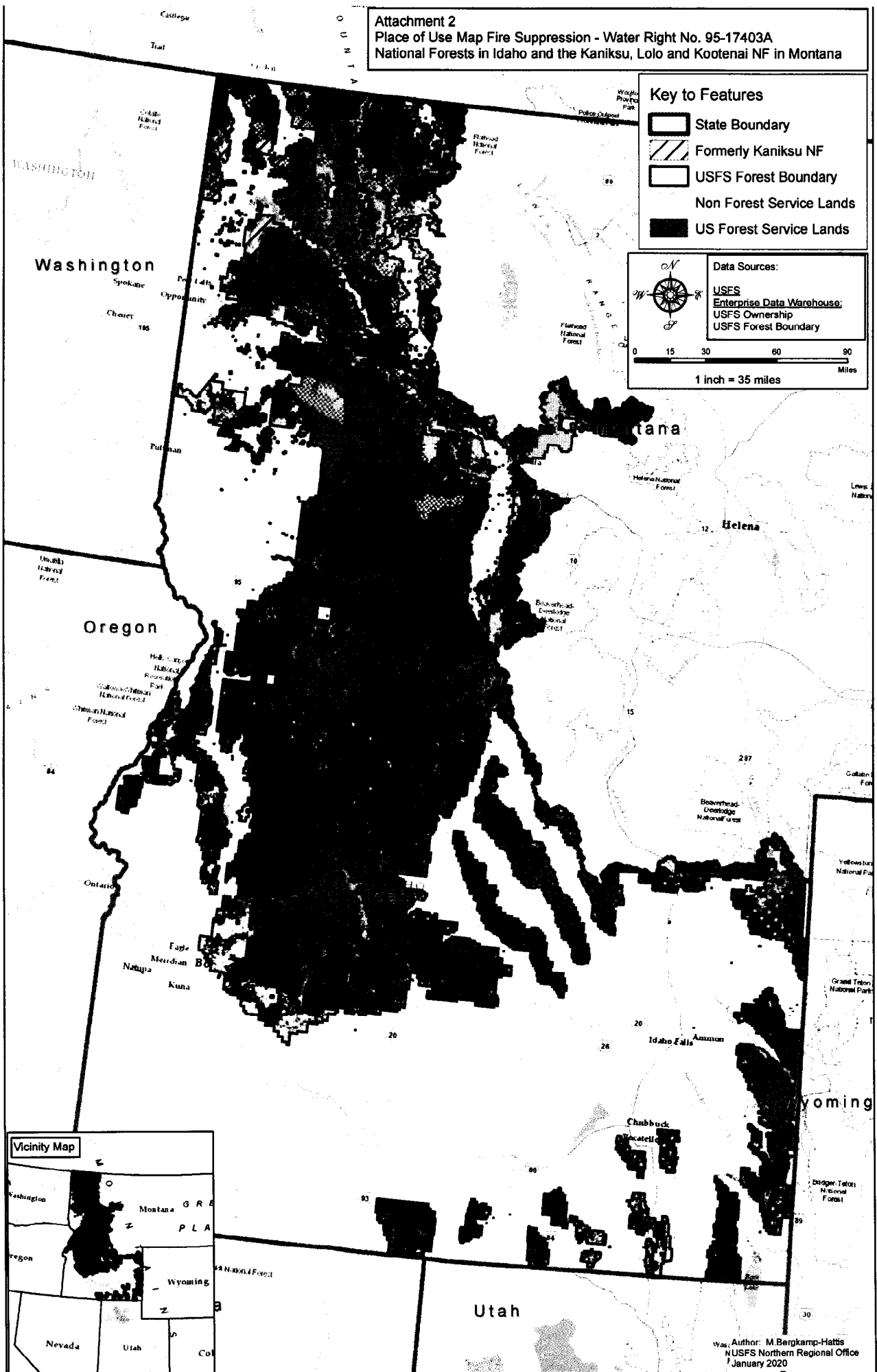
- State Boundary
- Formerly Kaniksu NF
- USFS Forest Boundary
- Non Forest Service Lands
- US Forest Service Lands

**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