

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. 91-07936A

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 Loop Creek subwatershed (HUC12 170103040201).

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.

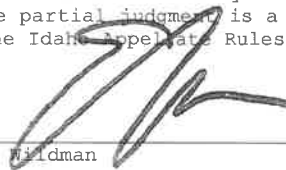
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

  
\_\_\_\_\_  
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 | Brushy Creek   | Loop Creek              | 46N      | 06E   | 01      |    |                        |
| 003 | Unnamed Stream | Brushy Creek            | 46N      | 06E   | 01      |    |                        |
| 004 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 01      |    |                        |
| 005 | Cliff Creek    | Loop Creek              | 46N      | 06E   | 02      |    |                        |
| 006 | Moss Creek     | Loop Creek              | 46N      | 06E   | 02      |    |                        |
| 007 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 02      |    |                        |
| 008 | Cliff Creek    | Loop Creek              | 46N      | 06E   | 03      |    |                        |
| 009 | Loop Creek     | North Fork St Joe River | 46N      | 06E   | 03      |    |                        |
| 010 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 03      |    |                        |
| 011 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 03      |    |                        |
| 012 | Frazier Creek  | Loop Creek              | 46N      | 06E   | 04      |    |                        |
| 013 | Loop Creek     | North Fork St Joe River | 46N      | 06E   | 04      |    |                        |
| 014 | Unnamed Stream | Cliff Creek             | 46N      | 06E   | 04      |    |                        |
| 015 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 04      |    |                        |
| 016 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 04      |    |                        |
| 017 | Loop Creek     | North Fork St Joe River | 46N      | 06E   | 05      |    |                        |
| 018 | Loop Creek     | North Fork St Joe River | 46N      | 06E   | 08      |    |                        |
| 019 | Cliff Creek    | Loop Creek              | 46N      | 06E   | 10      |    |                        |
| 020 | Loop Creek     | North Fork St Joe River | 46N      | 06E   | 10      |    |                        |
| 021 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 10      |    |                        |
| 022 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 10      |    |                        |
| 023 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 10      |    |                        |
| 024 | Clear Creek    | Loop Creek              | 46N      | 06E   | 11      |    |                        |
| 025 | Loop Creek     | North Fork St Joe River | 46N      | 06E   | 11      |    |                        |
| 026 | Moss Creek     | Loop Creek              | 46N      | 06E   | 11      |    |                        |
| 027 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 11      |    |                        |
| 028 | Unnamed Stream | Loop Creek              | 46N      | 06E   | 11      |    |                        |
| 029 | Bear Creek     | Loop Creek              | 46N      | 06E   | 12      |    |                        |
| 030 | Brushy Creek   | Loop Creek              | 46N      | 06E   | 12      |    |                        |

Attachment 1

|     | A               | B                       | C        | D     | E       | F    | G                      |
|-----|-----------------|-------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME     | TO TRIBUTARY            | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 031 | Loop Creek      | North Fork St Joe River | 46N      | 06E   | 12      |      |                        |
| 032 | Unnamed Stream  | Loop Creek              | 46N      | 06E   | 12      |      |                        |
| 033 | Clear Creek     | Loop Creek              | 46N      | 06E   | 14      |      |                        |
| 034 | Clear Creek     | Loop Creek              | 46N      | 06E   | 22      |      |                        |
| 035 | Unnamed Stream  | Clear Creek             | 46N      | 06E   | 22      |      |                        |
| 036 | Unnamed Stream  | Clear Creek             | 46N      | 06E   | 22      |      |                        |
| 037 | Turkey Creek    | Loop Creek              | 46N      | 06E   | 24      |      |                        |
| 038 | Unnamed Stream  | Bear Creek              | 46N      | 06E   | 24      |      |                        |
| 039 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 24      |      |                        |
| 040 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 24      |      |                        |
| 041 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 24      |      |                        |
| 042 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 24      |      |                        |
| 043 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 24      |      |                        |
| 044 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 24      |      |                        |
| 045 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 24      |      |                        |
| 046 | Unnamed Stream  | Turkey Creek            | 46N      | 06E   | 26      |      |                        |
| 047 | Ward Creek      | Loop Creek              | 46N      | 06E   | 26      |      |                        |
| 048 | Manhattan Creek | Loop Creek              | 46N      | 07E   | 04      |      |                        |
| 049 | Manhattan Creek | Loop Creek              | 46N      | 07E   | 05      |      |                        |
| 050 | Unnamed Stream  | Kelly Creek             | 46N      | 07E   | 05      |      |                        |
| 051 | Unnamed Stream  | Manhattan Creek         | 46N      | 07E   | 05      |      |                        |
| 052 | Kelly Creek     | Loop Creek              | 46N      | 07E   | 06      |      |                        |
| 053 | Unnamed Stream  | Kelly Creek             | 46N      | 07E   | 06      |      |                        |
| 054 | Unnamed Stream  | Kelly Creek             | 46N      | 07E   | 06      |      |                        |
| 055 | Unnamed Stream  | Loop Creek              | 46N      | 07E   | 06      |      |                        |
| 056 | Kelly Creek     | Loop Creek              | 46N      | 07E   | 07      |      |                        |
| 057 | Loop Creek      | North Fork St Joe River | 46N      | 07E   | 07      |      |                        |
| 058 | Manhattan Creek | Loop Creek              | 46N      | 07E   | 07      |      |                        |
| 059 | Unnamed Stream  | Manhattan Creek         | 46N      | 07E   | 08      | NENE |                        |

## Attachment 1

|     | A               | B               | C        | D     | E       | F    | G                      |
|-----|-----------------|-----------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME     | TO TRIBUTARY    | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 060 | Manhattan Creek | Loop Creek      | 46N      | 07E   | 08      | NENW |                        |
| 061 | Manhattan Creek | Loop Creek      | 46N      | 07E   | 08      | NESW |                        |
| 062 | Manhattan Creek | Loop Creek      | 46N      | 07E   | 08      | NWNE |                        |
| 063 | Manhattan Creek | Loop Creek      | 46N      | 07E   | 08      | NWSW |                        |
| 064 | Unnamed Stream  | Manhattan Creek | 46N      | 07E   | 08      | SENE |                        |
| 065 | Manhattan Creek | Loop Creek      | 46N      | 07E   | 08      | SENW |                        |
| 066 | Unnamed Stream  | Manhattan Creek | 46N      | 07E   | 08      | SENW |                        |
| 067 | Mineral Creek   | Loop Creek      | 46N      | 07E   | 08      | SESE | L 6                    |
| 068 | Unnamed Stream  | Manhattan Creek | 46N      | 07E   | 08      | SESW | L 4                    |
| 069 | Unnamed Stream  | Manhattan Creek | 46N      | 07E   | 08      | SWNE |                        |
| 070 | Manhattan Creek | Loop Creek      | 46N      | 07E   | 08      | SWSW | L 3                    |
| 071 | Unnamed Stream  | Manhattan Creek | 46N      | 07E   | 08      | SWSW | L 3                    |
| 072 | Mineral Creek   | Loop Creek      | 46N      | 07E   | 09      | NWSW | L 7                    |
| 073 | Mineral Creek   | Loop Creek      | 46N      | 07E   | 09      | SENW | L 3                    |
| 074 | Olentange Creek | Loop Creek      | 46N      | 07E   | 09      | SESE | L 11                   |
| 075 | Olentange Creek | Loop Creek      | 46N      | 07E   | 09      | SESE | L 12                   |
| 076 | Mineral Creek   | Loop Creek      | 46N      | 07E   | 09      | SWNW | L 3                    |
| 077 | Mineral Creek   | Loop Creek      | 46N      | 07E   | 09      | SWSW | L 8                    |
| 078 | Olentange Creek | Loop Creek      | 46N      | 07E   | 10      |      |                        |
| 079 | Olentange Creek | Loop Creek      | 46N      | 07E   | 15      | NENW | L 2                    |
| 080 | Unnamed Stream  | Olentange Creek | 46N      | 07E   | 15      | NENW | L 2                    |
| 081 | Olentange Creek | Loop Creek      | 46N      | 07E   | 15      | NWNE | L 1                    |
| 082 | Olentange Creek | Loop Creek      | 46N      | 07E   | 15      | NWNW | L 3                    |
| 083 | Unnamed Stream  | Olentange Creek | 46N      | 07E   | 15      | NWNW | L 3                    |
| 084 | Allen Creek     | Loop Creek      | 46N      | 07E   | 15      | SESE |                        |
| 085 | Olentange Creek | Loop Creek      | 46N      | 07E   | 16      | NESW | L 10                   |
| 086 | Olentange Creek | Loop Creek      | 46N      | 07E   | 16      | NESW | MS 2705                |
| 087 | Olentange Creek | Loop Creek      | 46N      | 07E   | 16      | NWNE | L 2                    |
| 088 | Olentange Creek | Loop Creek      | 46N      | 07E   | 16      | SENW | L 6                    |

Attachment 1

|     | A               | B                       | C        | D     | E       | F    | G                      |
|-----|-----------------|-------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME     | TO TRIBUTARY            | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 089 | Wendle Creek    | Loop Creek              | 46N      | 07E   | 16      | SESE |                        |
| 090 | Olentange Creek | Loop Creek              | 46N      | 07E   | 16      | SESW | L 12                   |
| 091 | Olentange Creek | Loop Creek              | 46N      | 07E   | 16      | SWNE | L 7                    |
| 092 | Unnamed Stream  | Olentange Creek         | 46N      | 07E   | 16      | SWNE | L 7                    |
| 093 | Wendle Creek    | Loop Creek              | 46N      | 07E   | 16      | SWSE |                        |
| 094 | Loop Creek      | North Fork St Joe River | 46N      | 07E   | 17      |      |                        |
| 095 | Mineral Creek   | Loop Creek              | 46N      | 07E   | 17      |      |                        |
| 096 | Loop Creek      | North Fork St Joe River | 46N      | 07E   | 18      |      |                        |
| 097 | Manhattan Creek | Loop Creek              | 46N      | 07E   | 18      |      |                        |
| 098 | Turkey Creek    | Loop Creek              | 46N      | 07E   | 18      |      |                        |
| 099 | Unnamed Stream  | Turkey Creek            | 46N      | 07E   | 18      |      |                        |
| 100 | Unnamed Stream  | Turkey Creek            | 46N      | 07E   | 18      |      |                        |
| 101 | Unnamed Stream  | Turkey Creek            | 46N      | 07E   | 19      |      |                        |
| 102 | Unnamed Stream  | Turkey Creek            | 46N      | 07E   | 19      |      |                        |
| 103 | Unnamed Stream  | Turkey Creek            | 46N      | 07E   | 19      |      |                        |
| 104 | Loop Creek      | North Fork St Joe River | 46N      | 07E   | 20      |      |                        |
| 105 | Olentange Creek | Loop Creek              | 46N      | 07E   | 20      |      |                        |
| 106 | Unnamed Stream  | Turkey Creek            | 46N      | 07E   | 20      |      |                        |
| 107 | Ward Creek      | Loop Creek              | 46N      | 07E   | 20      |      |                        |
| 108 | Wendle Creek    | Loop Creek              | 46N      | 07E   | 21      | NENW | L 1                    |
| 109 | Wendle Creek    | Loop Creek              | 46N      | 07E   | 21      | NWNE |                        |
| 110 | Olentange Creek | Loop Creek              | 46N      | 07E   | 21      | NWNW | L 2                    |
| 111 | Wendle Creek    | Loop Creek              | 46N      | 07E   | 21      | NWSE |                        |
| 112 | Wendle Creek    | Loop Creek              | 46N      | 07E   | 21      | SENW |                        |
| 113 | Allen Creek     | Loop Creek              | 46N      | 07E   | 21      | SESE |                        |
| 114 | Loop Creek      | North Fork St Joe River | 46N      | 07E   | 21      | SESE |                        |
| 115 | Loop Creek      | North Fork St Joe River | 46N      | 07E   | 21      | SESW |                        |
| 116 | Wendle Creek    | Loop Creek              | 46N      | 07E   | 21      | SESW |                        |
| 117 | Unnamed Stream  | Wendle Creek            | 46N      | 07E   | 21      | SWNE |                        |

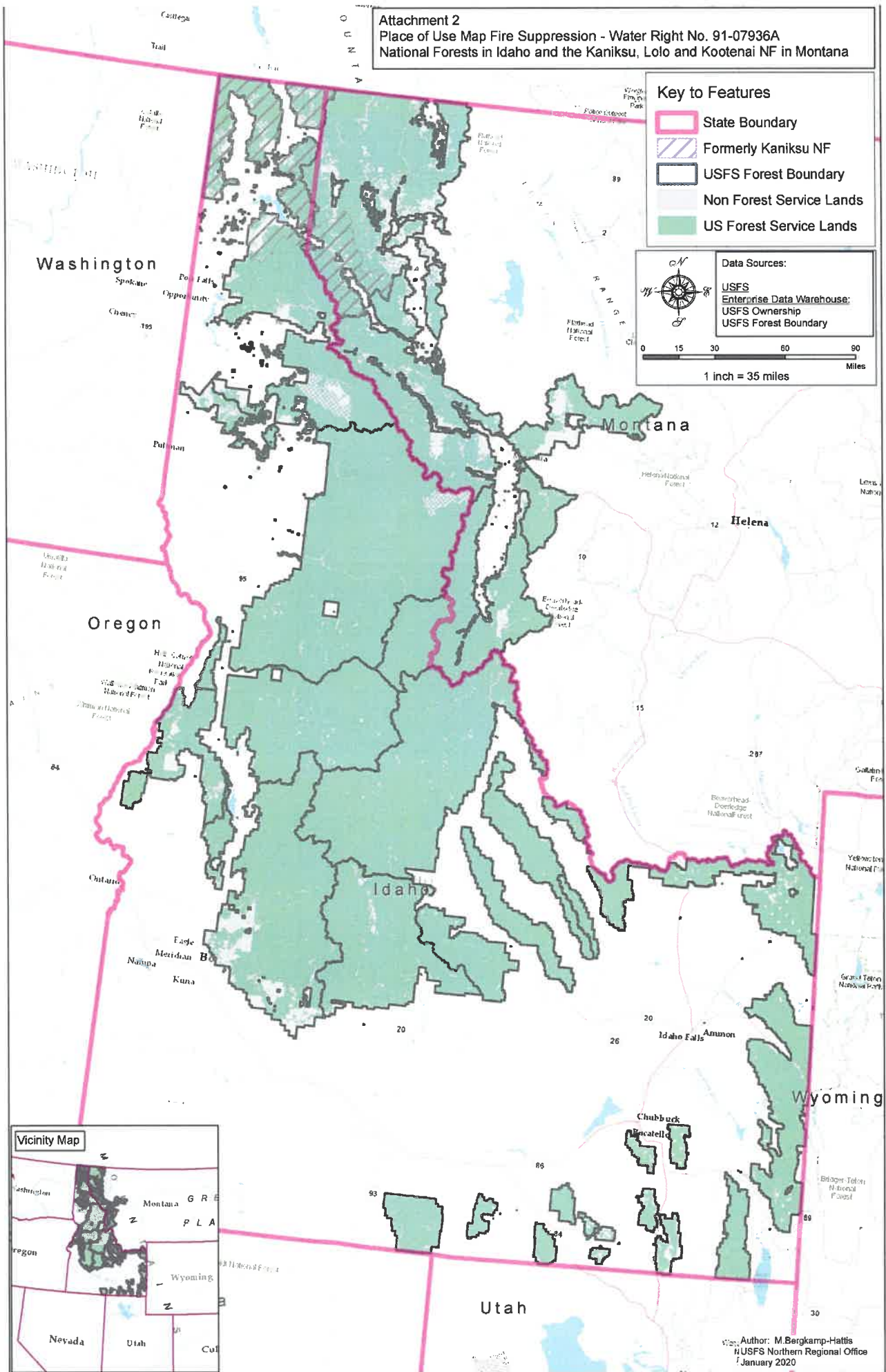
## Attachment 1

|     | A              | B                       | C        | D     | E       | F    | G                      |
|-----|----------------|-------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME    | TO TRIBUTARY            | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 118 | Wendle Creek   | Loop Creek              | 46N      | 07E   | 21      | SWNE |                        |
| 119 | Loop Creek     | North Fork St Joe River | 46N      | 07E   | 21      | SWSE |                        |
| 120 | Wendle Creek   | Loop Creek              | 46N      | 07E   | 21      | SWSE |                        |
| 121 | Loop Creek     | North Fork St Joe River | 46N      | 07E   | 21      | SWSW |                        |
| 122 | Allen Creek    | Loop Creek              | 46N      | 07E   | 22      |      |                        |
| 123 | Unnamed Stream | Allen Creek             | 46N      | 07E   | 22      |      |                        |
| 124 | Loop Creek     | North Fork St Joe River | 46N      | 07E   | 26      |      |                        |
| 125 | Unnamed Stream | Loop Creek              | 46N      | 07E   | 26      |      |                        |
| 126 | Unnamed Stream | Loop Creek              | 46N      | 07E   | 26      |      |                        |
| 127 | Loop Creek     | North Fork St Joe River | 46N      | 07E   | 27      |      |                        |
| 128 | Loop Creek     | North Fork St Joe River | 46N      | 07E   | 28      |      |                        |
| 129 | Ward Creek     | Loop Creek              | 46N      | 07E   | 29      |      |                        |
| 130 | Ward Creek     | Loop Creek              | 46N      | 07E   | 30      |      |                        |
| 131 | Unnamed Stream | Cliff Creek             | 47N      | 06E   | 23      |      |                        |
| 132 | Cliff Creek    | Loop Creek              | 47N      | 06E   | 26      |      |                        |
| 133 | Unnamed Stream | Cliff Creek             | 47N      | 06E   | 26      |      |                        |
| 134 | Cliff Creek    | Loop Creek              | 47N      | 06E   | 27      |      |                        |
| 135 | Frazier Creek  | Loop Creek              | 47N      | 06E   | 27      |      |                        |
| 136 | Frazier Creek  | Loop Creek              | 47N      | 06E   | 33      |      |                        |
| 137 | Unnamed Stream | Cliff Creek             | 47N      | 06E   | 33      |      |                        |
| 138 | Frazier Creek  | Loop Creek              | 47N      | 06E   | 34      |      |                        |
| 139 | Unnamed Stream | Cliff Creek             | 47N      | 06E   | 34      |      |                        |
| 140 | Cliff Creek    | Loop Creek              | 47N      | 06E   | 35      |      |                        |
| 141 | Brushy Creek   | Loop Creek              | 47N      | 06E   | 36      |      |                        |
| 142 | Kelly Creek    | Loop Creek              | 47N      | 07E   | 31      |      |                        |
| 143 | Unnamed Stream | Kelly Creek             | 47N      | 07E   | 31      |      |                        |
| 144 | Unnamed Stream | Kelly Creek             | 47N      | 07E   | 32      |      |                        |
| 145 | Unnamed Pond   | Loop Creek              | 46N      | 06E   | 05      |      |                        |
| 146 | Unnamed Pond   | Clear Creek             | 46N      | 06E   | 14      |      |                        |

## Attachment 1

|     | A            | B            | C        | D     | E       | F  | G                      |
|-----|--------------|--------------|----------|-------|---------|----|------------------------|
| 001 | SOURCE NAME  | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 147 | Unnamed Pond | Sink         | 46N      | 06E   | 14      |    |                        |
| 148 | Unnamed Pond | Clear Creek  | 46N      | 06E   | 22      |    |                        |
| 149 | Unnamed Pond | Sink         | 46N      | 07E   | 26      |    |                        |

Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 91-07936A  
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana



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