

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 10 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. 91-07938B

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 Lower North Fork St Joe River subwatershed (HUC12 170103040203).

QUANTITY: The amount of water necessary to control and suppress forest fires.

PRIORITY DATE: 11/13/1945

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

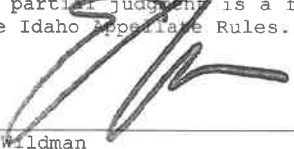
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE
Administrative-Fire Suppression 01/01 - 12/31

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.


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 | North Fork St Joe River | 45N | 05E | 03 | | |
| 003 | Unnamed Stream | North Fork St Joe River | 45N | 05E | 03 | | |
| 004 | Unnamed Stream | North Fork St Joe River | 45N | 05E | 03 | | |
| 005 | Unnamed Stream | North Fork St Joe River | 45N | 05E | 03 | | |
| 006 | Unnamed Stream | North Fork St Joe River | 45N | 05E | 11 | NWNW | |
| 007 | Unnamed Stream | North Fork St Joe River | 45N | 05E | 11 | SWNW | |
| 008 | Telichpah Creek | North Fork St Joe River | 45N | 06E | 05 | NENE | L 8 |
| 009 | Unnamed Stream | Telichpah Creek | 45N | 06E | 05 | NENE | L 1 |
| 010 | Unnamed Stream | Telichpah Creek | 45N | 06E | 05 | NENE | L 8 |
| 011 | Unnamed Stream | Telichpah Creek | 45N | 06E | 05 | NENW | L 6 |
| 012 | Unnamed Stream | Telichpah Creek | 45N | 06E | 05 | NWNE | L 2 |
| 013 | Unnamed Stream | Telichpah Creek | 45N | 06E | 05 | NWNE | L 7 |
| 014 | Unnamed Stream | Nelson Creek | 45N | 06E | 07 | | |
| 015 | Unnamed Stream | Rye Creek | 46N | 05E | 01 | | |
| 016 | Rye Creek | North Fork St Joe River | 46N | 05E | 11 | | |
| 017 | Unnamed Stream | Kyle Creek | 46N | 05E | 11 | | |
| 018 | Unnamed Stream | Kyle Creek | 46N | 05E | 11 | | |
| 019 | Kyle Creek | North Fork St Joe River | 46N | 05E | 13 | | |
| 020 | North Fork St Joe River | St Joe River | 46N | 05E | 13 | | |
| 021 | Rye Creek | North Fork St Joe River | 46N | 05E | 13 | | |
| 022 | Kyle Creek | North Fork St Joe River | 46N | 05E | 15 | | |
| 023 | Unnamed Stream | Kyle Creek | 46N | 05E | 15 | | |
| 024 | Unnamed Stream | Kyle Creek | 46N | 05E | 15 | | |
| 025 | Hammond Creek | North Fork St Joe River | 46N | 05E | 21 | | |
| 026 | Unnamed Stream | Hammond Creek | 46N | 05E | 21 | | |
| 027 | Unnamed Stream | Hammond Creek | 46N | 05E | 23 | | |
| 028 | Unnamed Stream | Hammond Creek | 46N | 05E | 23 | | |
| 029 | Unnamed Stream | Hammond Creek | 46N | 05E | 23 | | |
| 030 | Unnamed Stream | North Fork St Joe River | 46N | 05E | 23 | | |
| 031 | Unnamed Stream | Motor Creek | 46N | 05E | 25 | NENE | |
| 032 | North Fork St Joe River | St Joe River | 46N | 05E | 25 | NENW | |
| 033 | Unnamed Stream | North Fork St Joe River | 46N | 05E | 25 | NENW | |
| 034 | Hammond Creek | North Fork St Joe River | 46N | 05E | 25 | NWSW | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|-------------------------|-------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 035 | North Fork St Joe River | St Joe River | 46N | 05E | 25 | NWSW | |
| 036 | Motor Creek | North Fork St Joe River | 46N | 05E | 25 | SENE | |
| 037 | Unnamed Stream | Motor Creek | 46N | 05E | 25 | SENE | |
| 038 | Telichpah Creek | North Fork St Joe River | 46N | 05E | 25 | SESE | |
| 039 | North Fork St Joe River | St Joe River | 46N | 05E | 25 | SESW | |
| 040 | Telichpah Creek | North Fork St Joe River | 46N | 05E | 25 | SESW | |
| 041 | Hammond Creek | North Fork St Joe River | 46N | 05E | 25 | SWNW | |
| 042 | Telichpah Creek | North Fork St Joe River | 46N | 05E | 25 | SWSE | |
| 043 | North Fork St Joe River | St Joe River | 46N | 05E | 25 | SWSW | |
| 044 | Telichpah Creek | North Fork St Joe River | 46N | 05E | 25 | SWSW | |
| 045 | Hammond Creek | North Fork St Joe River | 46N | 05E | 27 | | |
| 046 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 047 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 048 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 049 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 050 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 051 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 052 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 053 | Unnamed Stream | Hammond Creek | 46N | 05E | 27 | | |
| 054 | Stetson Creek | North Fork St Joe River | 46N | 05E | 35 | NENW | |
| 055 | Unnamed Stream | North Fork St Joe River | 46N | 05E | 35 | NESE | |
| 056 | Stetson Creek | North Fork St Joe River | 46N | 05E | 35 | NWNE | |
| 057 | Unnamed Stream | Stetson Creek | 46N | 05E | 35 | NWNE | |
| 058 | Unnamed Stream | North Fork St Joe River | 46N | 05E | 35 | NWSE | |
| 059 | Unnamed Stream | Stetson Creek | 46N | 05E | 35 | NWSW | |
| 060 | Stetson Creek | North Fork St Joe River | 46N | 05E | 35 | SENW | |
| 061 | Unnamed Stream | North Fork St Joe River | 46N | 05E | 35 | SESW | |
| 062 | Stetson Creek | North Fork St Joe River | 46N | 05E | 35 | SWNW | |
| 063 | Unnamed Stream | Stetson Creek | 46N | 05E | 35 | SWNW | |
| 064 | Unnamed Stream | North Fork St Joe River | 46N | 05E | 35 | SWSE | |
| 065 | Unnamed Stream | North Fork St Joe River | 46N | 05E | 35 | SWSW | |
| 066 | Loop Creek | North Fork St Joe River | 46N | 06E | 07 | NENE | |
| 067 | North Fork St Joe River | St Joe River | 46N | 06E | 07 | NENE | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|-------------------------|-------------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 068 | North Fork St Joe River | St Joe River | 46N | 06E | 07 | NENE | |
| 069 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 07 | NESW | |
| 070 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 07 | NESW | |
| 071 | North Fork St Joe River | St Joe River | 46N | 06E | 07 | NWSE | |
| 072 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 07 | NWSE | |
| 073 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 07 | NWSW | L 3 |
| 074 | North Fork St Joe River | St Joe River | 46N | 06E | 07 | SENE | |
| 075 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 07 | SENW | |
| 076 | Long Liz Creek | North Fork St Joe River | 46N | 06E | 07 | SESE | |
| 077 | Unnamed Stream | Long Liz Creek | 46N | 06E | 07 | SESE | |
| 078 | North Fork St Joe River | St Joe River | 46N | 06E | 07 | SWSE | |
| 079 | North Fork St Joe River | St Joe River | 46N | 06E | 07 | SWSW | L 4 |
| 080 | Long Liz Creek | North Fork St Joe River | 46N | 06E | 09 | | |
| 081 | Long Liz Creek | North Fork St Joe River | 46N | 06E | 15 | | |
| 082 | Big Dick Creek | North Fork St Joe River | 46N | 06E | 17 | | |
| 083 | Long Liz Creek | North Fork St Joe River | 46N | 06E | 17 | | |
| 084 | Unnamed Stream | Big Dick Creek | 46N | 06E | 17 | | |
| 085 | Unnamed Stream | Big Dick Creek | 46N | 06E | 17 | | |
| 086 | Unnamed Stream | Long Liz Creek | 46N | 06E | 17 | | |
| 087 | Unnamed Stream | Long Liz Creek | 46N | 06E | 17 | | |
| 088 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 17 | | |
| 089 | Motor Creek | North Fork St Joe River | 46N | 06E | 19 | | |
| 090 | Unnamed Stream | Motor Creek | 46N | 06E | 19 | | |
| 091 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 19 | | |
| 092 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 19 | | |
| 093 | Big Dick Creek | North Fork St Joe River | 46N | 06E | 21 | | |
| 094 | Unnamed Stream | Big Dick Creek | 46N | 06E | 21 | | |
| 095 | Unnamed Stream | Big Dick Creek | 46N | 06E | 21 | | |
| 096 | Unnamed Stream | Big Dick Creek | 46N | 06E | 21 | | |
| 097 | Unnamed Stream | Big Dick Creek | 46N | 06E | 21 | | |
| 098 | Unnamed Stream | Big Dick Creek | 46N | 06E | 21 | | |
| 099 | Unnamed Stream | Big Dick Creek | 46N | 06E | 21 | | |
| 100 | Unnamed Stream | Telichpah Creek | 46N | 06E | 29 | | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|-----------------|-------------------------|----------|-------|---------|----|------------------------|
| 001 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 101 | Unnamed Stream | Telichpah Creek | 46N | 06E | 29 | | |
| 102 | Unnamed Stream | Telichpah Creek | 46N | 06E | 29 | | |
| 103 | Unnamed Stream | Telichpah Creek | 46N | 06E | 29 | | |
| 104 | Telichpah Creek | North Fork St Joe River | 46N | 06E | 31 | | |
| 105 | Unnamed Stream | North Fork St Joe River | 46N | 06E | 31 | | |
| 106 | Unnamed Stream | Telichpah Creek | 46N | 06E | 31 | | |
| 107 | Unnamed Stream | Telichpah Creek | 46N | 06E | 31 | | |
| 108 | Unnamed Stream | Telichpah Creek | 46N | 06E | 31 | | |
| 109 | Telichpah Creek | North Fork St Joe River | 46N | 06E | 33 | | |
| 110 | Unnamed Stream | Telichpah Creek | 46N | 06E | 33 | | |
| 111 | Unnamed Stream | Telichpah Creek | 46N | 06E | 33 | | |
| 112 | Unnamed Pond | Long Liz Creek | 46N | 06E | 07 | | |

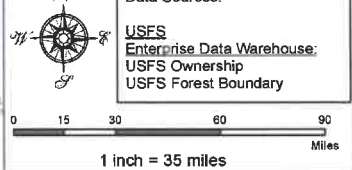
Attachment 2
Place of Use Map Fire Suppression - Water Right No. 91-07938B
National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

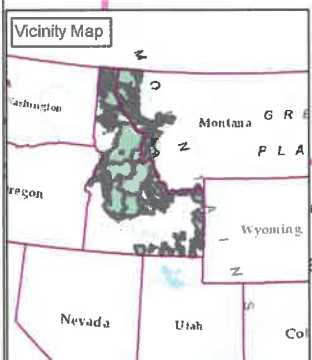
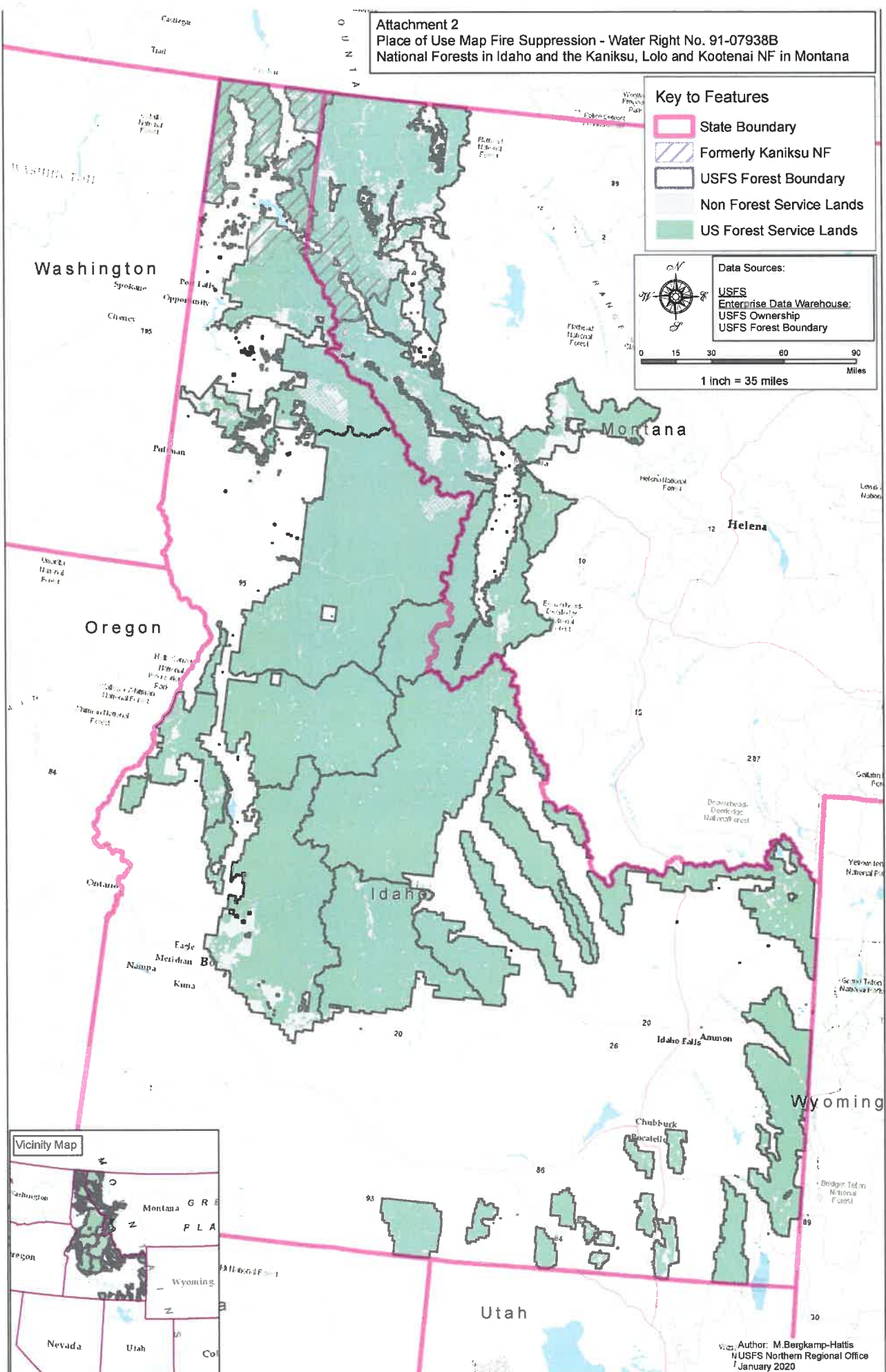
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

Data Sources:

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



0 15 30 60 90 Miles
 1 inch = 35 miles



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