

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

**JUN 10 2022**

By \_\_\_\_\_  
Clerk

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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)  
) FOR FEDERAL RESERVED  
Case No. 49576 )  
) WATER RIGHT NO. 91-07949Q

**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 Upper Marble Creek subwatershed (HUC12 170103040501).

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

**PRIORITY DATE:** 01/27/2009

**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.

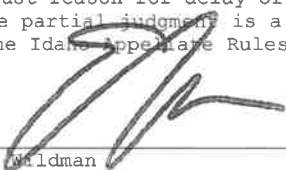
**OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:**

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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Duplex Creek	Marble Creek	43N	04E	5		
3	Unnamed Stream	Duplex Creek	43N	04E	5		
4	Unnamed Stream	Duplex Creek	43N	04E	5		
5	Unnamed Stream	Marble Creek	43N	04E	5		
6	Unnamed Stream	Marble Creek	43N	04E	7	NENE	
7	Unnamed Stream	Marble Creek	43N	04E	7	NESE	
8	Unnamed Stream	Marble Creek	43N	04E	7	SENE	
9	Swing Creek	Marble Creek	43N	04E	17	NENW	
10	Swing Creek	Marble Creek	43N	04E	17	NWNW	
11	Unnamed Stream	Swing Creek	43N	04E	17	NWNW	
12	Marble Creek	St Joe River	43N	04E	31		
13	Unnamed Stream	Marble Creek	43N	04E	31		

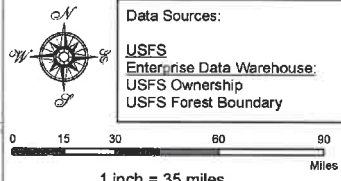
Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 91-07949Q  
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

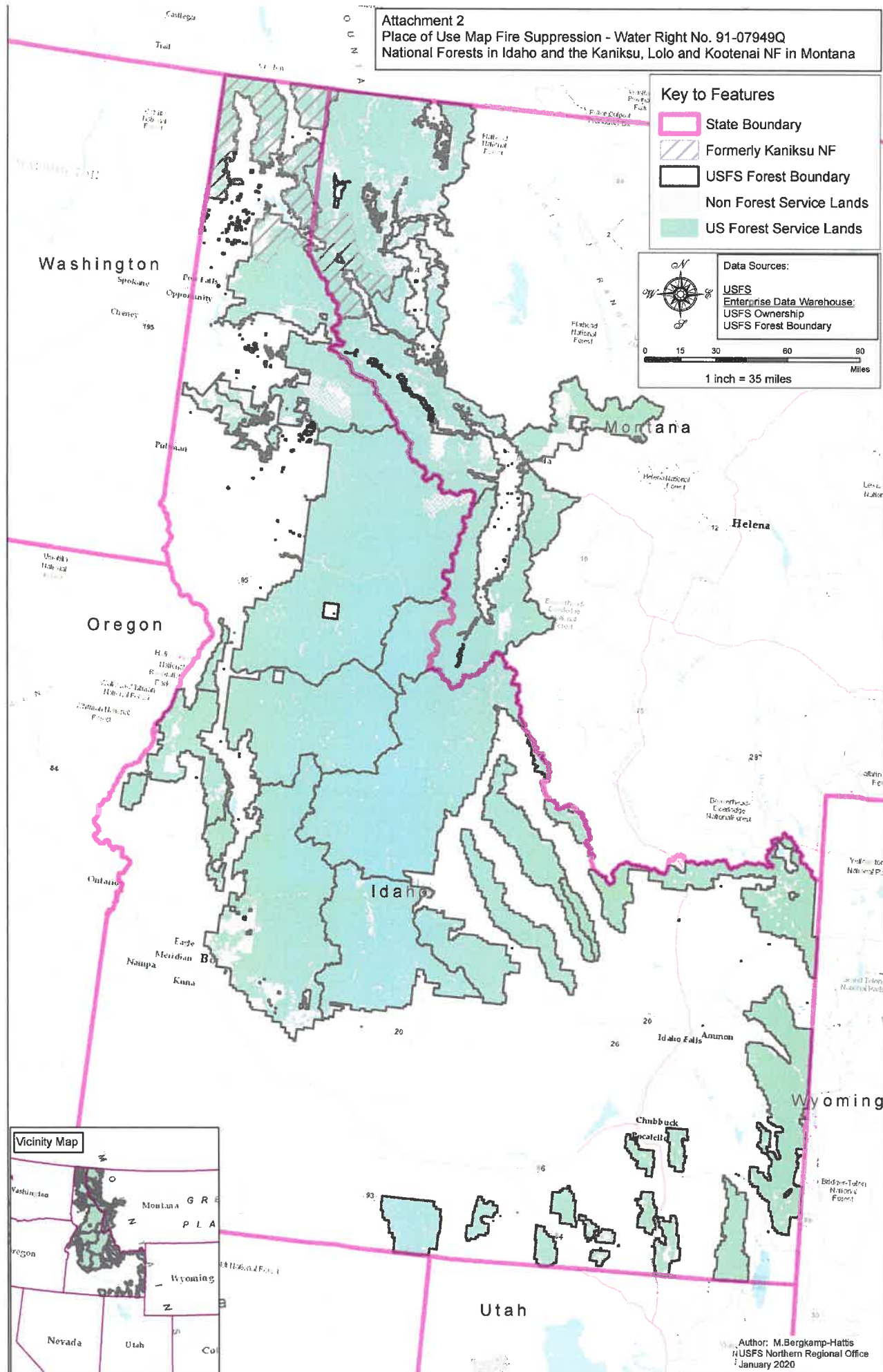
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

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  
 USFS Northern Regional Office  
 January 2020