

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. 91-07953A

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 Marble Creek subwatershed (HUC12 170103040505).

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 Administrative-Fire Suppression	PERIOD OF USE 01/01 - 12/31
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PLACE OF USE: National Forests in Idaho and the Kaniksu, Lolo and Kootenai National Forests in Montana.

See Attachment 2.


OTHER PROVISIONS NECESSARY FOR DEFINITON 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.






  
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 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	Unnamed Stream	Daveggio Creek	44N	03E	13	NESE	
3	Unnamed Stream	Daveggio Creek	44N	03E	13	SESE	
4	Unnamed Stream	Daveggio Creek	44N	03E	13	SESW	
5	Little Daveggio Creek	Daveggio Creek	44N	03E	14	NESW	
6	Unnamed Stream	Little Daveggio Creek	44N	03E	14	NESW	
7	Unnamed Stream	Little Daveggio Creek	44N	03E	14	NWNW	
8	Little Daveggio Creek	Daveggio Creek	44N	03E	14	NWSW	
9	Little Daveggio Creek	Daveggio Creek	44N	03E	14	SWNW	
10	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWNW	
11	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWSW	
12	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWSW	
13	Unnamed Stream	Little Daveggio Creek	44N	03E	14	SWSW	
14	Little Daveggio Creek	Daveggio Creek	44N	03E	15	NENW	
15	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NESE	
16	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NESE	
17	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NESW	
18	Little Daveggio Creek	Daveggio Creek	44N	03E	15	NWNE	
19	Unnamed Stream	Little Daveggio Creek	44N	03E	15	NWSE	
20	Little Daveggio Creek	Daveggio Creek	44N	03E	15	SENE	
21	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
22	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
23	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
24	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
25	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SENE	
26	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SESE	
27	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SESE	
28	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SESW	
29	Little Daveggio Creek	Daveggio Creek	44N	03E	15	SWNE	
30	Unnamed Stream	Little Daveggio Creek	44N	03E	15	SWNE	
31	Unnamed Stream	Little Daveggio Creek	44N	03E	22		
32	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
33	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
34	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
35	Unnamed Stream	Little Daveggio Creek	44N	03E	23		
36	Daveggio Creek	Marble Creek	44N	04E	7	NESE	
37	Daveggio Creek	Marble Creek	44N	04E	7	SESE	
38	Daveggio Creek	Marble Creek	44N	04E	7	SWNW	L 2
39	Unnamed Stream	Daveggio Creek	44N	04E	7	SWSW	L 4
40	Daveggio Creek	Marble Creek	44N	04E	8		
41	Daveggio Creek	Marble Creek	44N	04E	17		
42	Unnamed Stream	Daveggio Creek	44N	04E	17		
43	Daveggio Creek	Marble Creek	44N	04E	18		
44	Unnamed Stream	Daveggio Creek	44N	04E	18		
45	Unnamed Stream	Daveggio Creek	44N	04E	18		
46	Unnamed Stream	Daveggio Creek	44N	04E	18		
47	Therault Lake	Daveggio Creek	44N	03E	13	SESW	
48	Unnamed Pond	Little Daveggio Creek	44N	03E	15		
49	Unnamed Pond	Daveggio Creek	44N	04E	18		
50	Unnamed Marsh	Daveggio Creek	44N	04E	7		
51	Unnamed Marsh	Daveggio Creek	44N	04E	8		
52	Unnamed Marsh	Daveggio Creek	44N	04E	17		
53	Unnamed Marsh	Daveggio Creek	44N	04E	18		
54	Unnamed Marsh	Daveggio Creek	44N	04E	18		

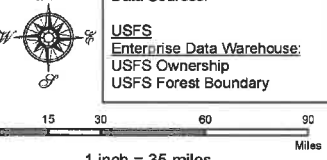
**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 91-07953A**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

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

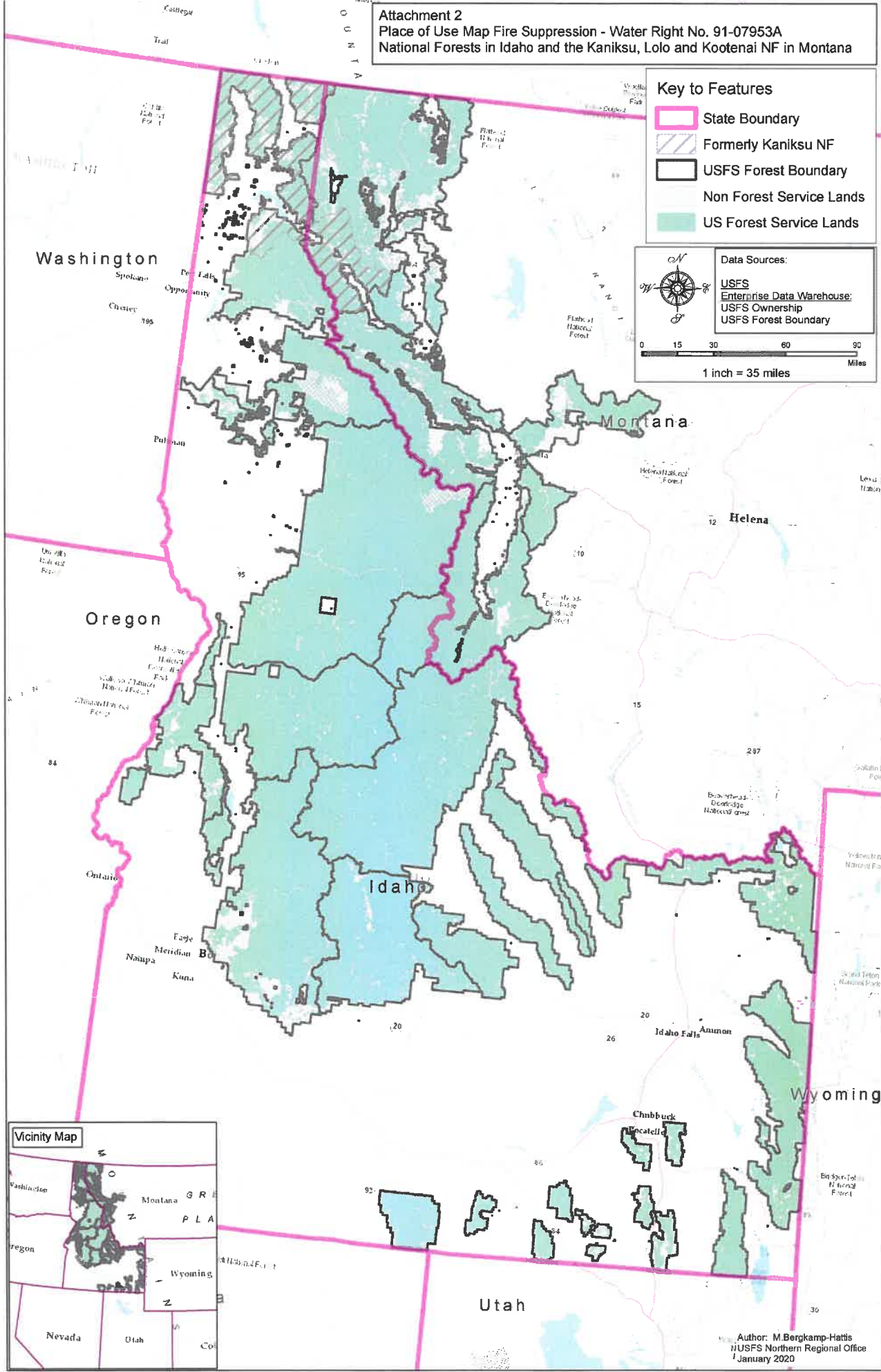
**Data Sources:**

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



0 15 30 60 90 Miles

1 inch = 35 miles



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