

**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. 91-07953C

**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:** 10/20/1932

**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.

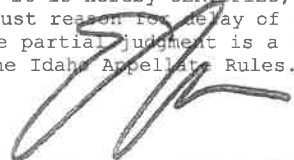
**OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:**

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	Marble Creek	St. Joe River	44N	03E	3	NENW	L 3
3	Unnamed Stream	Marble Creek	44N	03E	3	NENW	L 3
4	Unnamed Stream	Marble Creek	44N	03E	3	NENW	L 3
5	Donkey Creek	Marble Creek	44N	03E	3	NWNW	L 4
6	Marble Creek	St. Joe River	44N	03E	3	NWNW	L 4
7	Unnamed Stream	Marble Creek	44N	03E	3	NWNW	L 4
8	Marble Creek	St. Joe River	44N	03E	3	NWSW	
9	Unnamed Stream	Marble Creek	44N	03E	3	NWSW	
10	Unnamed Stream	Marble Creek	44N	03E	3	NWSW	
11	Unnamed Stream	Marble Creek	44N	03E	3	NWSW	
12	Marble Creek	St. Joe River	44N	03E	3	SENW	
13	Unnamed Stream	Marble Creek	44N	03E	3	SENW	
14	Donkey Creek	Marble Creek	44N	03E	3	SWNW	
15	Marble Creek	St. Joe River	44N	03E	3	SWNW	
16	Unnamed Stream	Marble Creek	44N	03E	3	SWSW	
17	Donkey Creek	Marble Creek	44N	03E	4	NENE	L 1
18	Marble Creek	St. Joe River	44N	03E	4	NESE	
19	Unnamed Stream	Marble Creek	44N	03E	4	NESE	
20	Unnamed Stream	Marble Creek	44N	03E	4	NESE	
21	Donkey Creek	Marble Creek	44N	03E	4	NWNE	L 2
22	Marble Creek	St. Joe River	44N	03E	4	SESE	
23	Unnamed Stream	Marble Creek	44N	03E	4	SESE	
24	Marble Creek	St. Joe River	44N	03E	4	SWSE	
25	Unnamed Stream	Marble Creek	44N	03E	4	SWSE	
26	Unnamed Stream	Marble Creek	44N	03E	4	SWSE	
27	Unnamed Stream	Marble Creek	44N	03E	5	NESW	
28	Unnamed Stream	Marble Creek	44N	03E	5	SESW	
29	Unnamed Stream	Marble Creek	44N	03E	5	SWSE	
30	Marble Creek	St. Joe River	44N	03E	9	NWNE	
31	Unnamed Stream	Marble Creek	45N	03E	24	NWSW	
32	Unnamed Stream	Marble Creek	45N	03E	24	NWSW	
33	Unnamed Stream	Marble Creek	45N	03E	24	SWNW	
34	Unnamed Stream	Marble Creek	45N	03E	24	SWNW	
35	Unnamed Stream	Marble Creek	45N	03E	24	SWSW	
36	Unnamed Stream	Marble Creek	45N	03E	26	NESW	
37	Marble Creek	St. Joe River	45N	03E	26	NWSE	
38	Unnamed Stream	Marble Creek	45N	03E	26	NWSE	
39	Unnamed Stream	Marble Creek	45N	03E	26	NWSW	
40	Unnamed Stream	Marble Creek	45N	03E	26	NWSW	
41	Marble Creek	St. Joe River	45N	03E	26	SESW	
42	Unnamed Stream	Marble Creek	45N	03E	26	SESW	
43	Marble Creek	St. Joe River	45N	03E	26	SWSE	
44	Marble Creek	St. Joe River	45N	03E	26	SWSW	
45	Unnamed Stream	Marble Creek	45N	03E	26	SWSW	
46	Unnamed Stream	Marble Creek	45N	03E	27		
47	Donkey Creek	Marble Creek	45N	03E	31		
48	Unnamed Stream	Donkey Creek	45N	03E	32	NENE	
49	Unnamed Stream	Donkey Creek	45N	03E	32	NENE	
50	Donkey Creek	Marble Creek	45N	03E	32	NWSW	
51	Unnamed Stream	Donkey Creek	45N	03E	32	SENW	
52	Donkey Creek	Marble Creek	45N	03E	32	SWSW	
53	Marble Creek	St. Joe River	45N	03E	34	NESW	

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
54	Marble Creek	St. Joe River	45N	03E	34	NWSE	
55	Unnamed Stream	Marble Creek	45N	03E	34	NWSW	
56	Marble Creek	St. Joe River	45N	03E	34	SESW	
57	Unnamed Stream	Marble Creek	45N	03E	34	SESW	
58	Marble Creek	St. Joe River	45N	03E	34	SWSE	
59	Marble Creek	St. Joe River	45N	03E	34	SWSW	
60	Unnamed Stream	Marble Creek	45N	03E	34	SWSW	

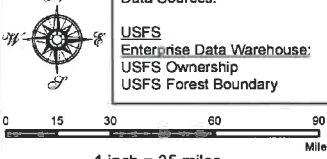
**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 91-07953C**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

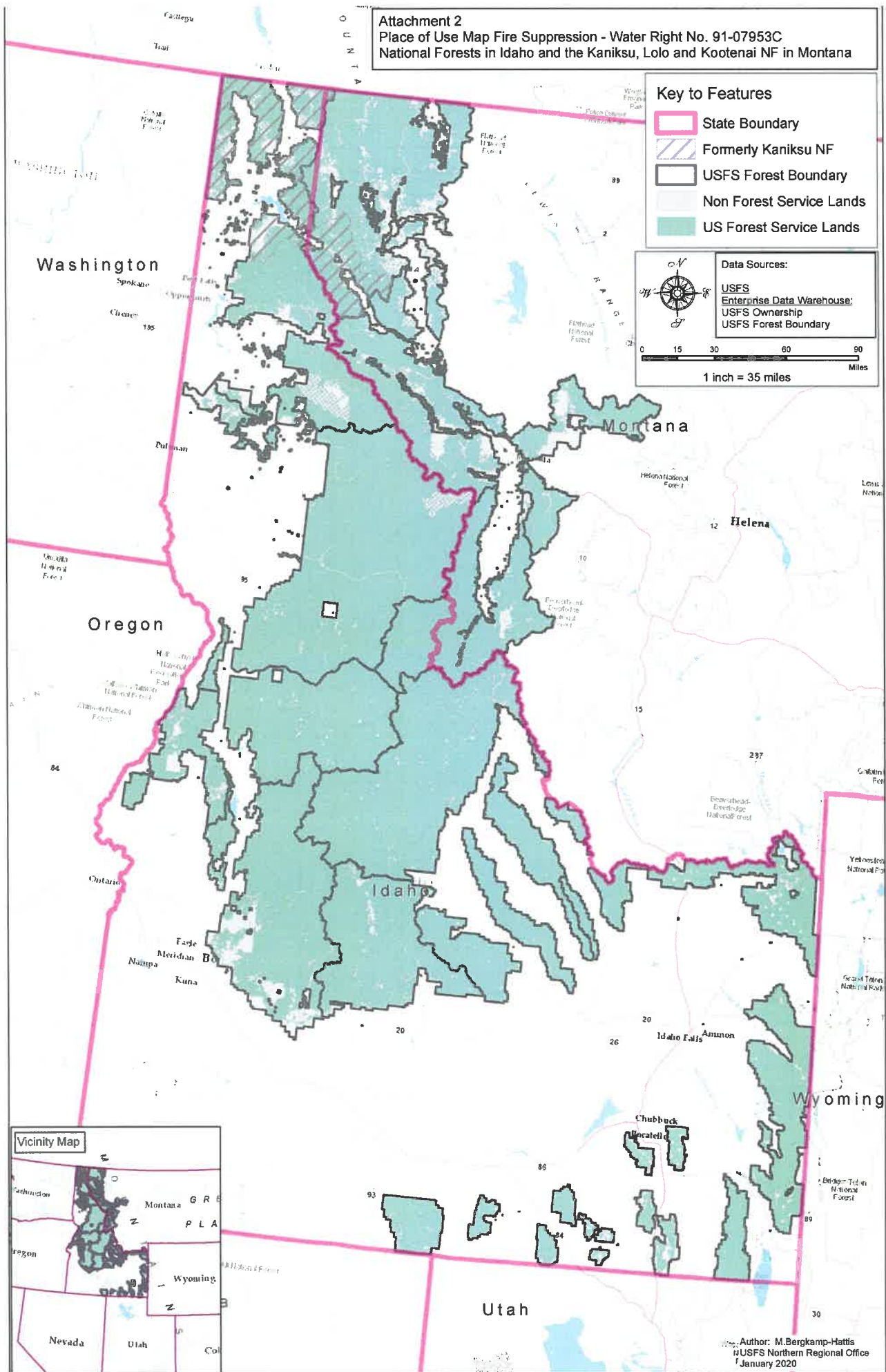
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**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