

**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. 95-17398D

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 Fernan Lake subwatershed (HUC12 170103030405).

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

PRIORITY DATE: 12/01/1941

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	Unnamed Stream	Fernan Creek	50N	03W	03		
3	Unnamed Stream	Fernan Creek	50N	03W	03		
4	Unnamed Stream	Fernan Creek	50N	03W	03		
5	Unnamed Stream	Fernan Creek	50N	03W	11		
6	Unnamed Stream	Fernan Creek	50N	03W	11		
7	Unnamed Stream	Fernan Creek	50N	03W	11		
8	Unnamed Stream	Fernan Creek	50N	03W	11		
9	Unnamed Stream	Fernan Creek	50N	03W	11		
10	Unnamed Stream	Fernan Lake	50N	03W	11		
11	Unnamed Stream	Tottens Pond	51N	03W	29	NWNW	L1
12	Unnamed Stream	Tottens Pond	51N	03W	29	NENW	
13	Unnamed Stream	Tottens Pond	51N	03W	29	SENW	
14	Unnamed Stream	Tottens Pond	51N	03W	29	SWNE	
15	Unnamed Stream	Fernan Creek	51N	03W	34	SESE	

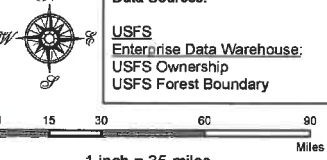
**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 95-17398D**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

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

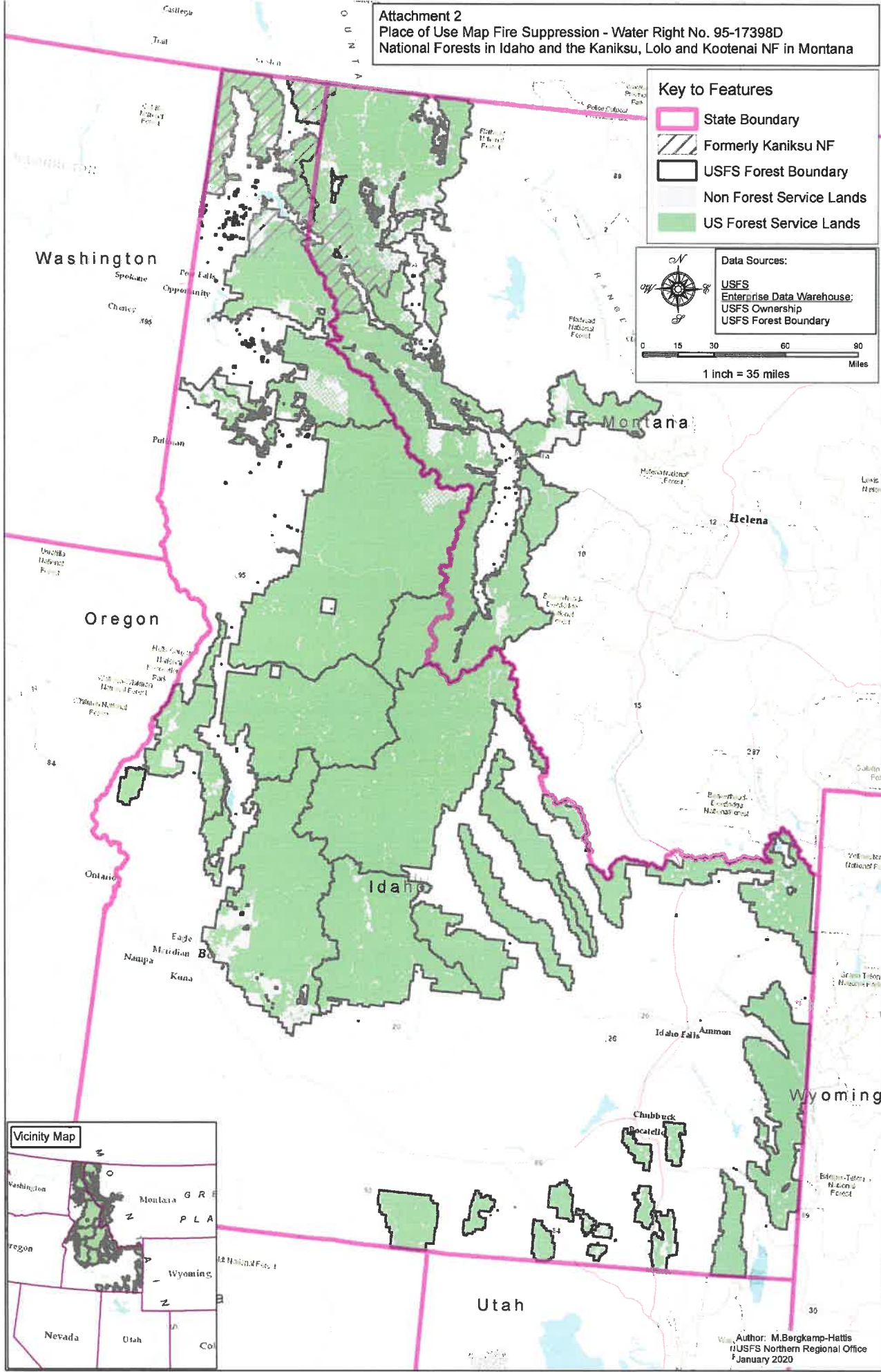
**Data Sources:**

- 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