

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. 91-07948D

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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 Slate Creek subwatershed (HUC12 170103040402).

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: 

|                                 |                      |
|---------------------------------|----------------------|
| <u>PURPOSE OF USE</u>           | <u>PERIOD OF USE</u> |
| 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.

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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                      |
|-----|-----------------------|-----------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME           | TO TRIBUTARY          | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 002 | Prospect Creek        | Slate Creek           | 46N      | 04E   | 03      |      |                        |
| 003 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 03      |      |                        |
| 004 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 03      |      |                        |
| 005 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 03      |      |                        |
| 006 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 03      |      |                        |
| 007 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 03      |      |                        |
| 008 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 03      |      |                        |
| 009 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 03      |      |                        |
| 010 | Fume Creek            | Slate Creek           | 46N      | 04E   | 09      |      |                        |
| 011 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 09      |      |                        |
| 012 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 09      |      |                        |
| 013 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 09      |      |                        |
| 014 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 09      |      |                        |
| 015 | West Fork Slate Creek | Slate Creek           | 46N      | 04E   | 09      |      |                        |
| 016 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 11      | NENW |                        |
| 017 | Prospect Creek        | Slate Creek           | 46N      | 04E   | 11      | NESW |                        |
| 018 | Prospect Creek        | Slate Creek           | 46N      | 04E   | 11      | NWSW |                        |
| 019 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 11      | NWSW |                        |
| 020 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 11      | SENW |                        |
| 021 | Prospect Creek        | Slate Creek           | 46N      | 04E   | 11      | SESW |                        |
| 022 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 11      | SESW |                        |
| 023 | Prospect Creek        | Slate Creek           | 46N      | 04E   | 11      | SWNW |                        |
| 024 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 11      | SWNW |                        |
| 025 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 11      | SWNW |                        |
| 026 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 11      | SWSW |                        |
| 027 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 13      | SESW |                        |
| 028 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 13      | SESW |                        |
| 029 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 13      | SWSW |                        |
| 030 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 13      | SWSW |                        |

## Attachment 1

|     | A                     | B                     | C        | D     | E       | F    | G                      |
|-----|-----------------------|-----------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME           | TO TRIBUTARY          | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 031 | Fume Creek            | Slate Creek           | 46N      | 04E   | 15      |      |                        |
| 032 | Marion Creek          | Slate Creek           | 46N      | 04E   | 15      |      |                        |
| 033 | Unnamed Stream        | Marion Creek          | 46N      | 04E   | 15      |      |                        |
| 034 | Unnamed Stream        | Prospect Creek        | 46N      | 04E   | 15      |      |                        |
| 035 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 17      |      |                        |
| 036 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 17      |      |                        |
| 037 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 17      |      |                        |
| 038 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 17      |      |                        |
| 039 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 17      |      |                        |
| 040 | West Fork Slate Creek | Slate Creek           | 46N      | 04E   | 17      |      |                        |
| 041 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 19      |      |                        |
| 042 | Unnamed Stream        | Marion Creek          | 46N      | 04E   | 21      |      |                        |
| 043 | Unnamed Stream        | Marion Creek          | 46N      | 04E   | 21      |      |                        |
| 044 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 21      |      |                        |
| 045 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 21      |      |                        |
| 046 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 21      |      |                        |
| 047 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 21      |      |                        |
| 048 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 21      |      |                        |
| 049 | West Fork Slate Creek | Slate Creek           | 46N      | 04E   | 21      |      |                        |
| 050 | Fume Creek            | Slate Creek           | 46N      | 04E   | 23      |      |                        |
| 051 | Slate Creek           | St Joe River          | 46N      | 04E   | 23      |      |                        |
| 052 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 23      |      |                        |
| 053 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 23      |      |                        |
| 054 | Fritz Creek           | Slate Creek           | 46N      | 04E   | 25      |      |                        |
| 055 | Lumberjack Creek      | Slate Creek           | 46N      | 04E   | 25      |      |                        |
| 056 | Unnamed Stream        | Lumberjack Creek      | 46N      | 04E   | 25      |      |                        |
| 057 | Unnamed Stream        | Lumberjack Creek      | 46N      | 04E   | 25      |      |                        |
| 058 | Unnamed Stream        | Lumberjack Creek      | 46N      | 04E   | 25      |      |                        |
| 059 | Lumberjack Creek      | Slate Creek           | 46N      | 04E   | 27      | NENE |                        |

# Attachment 1

|     | A                     | B                     | C        | D     | E       | F    | G                      |
|-----|-----------------------|-----------------------|----------|-------|---------|------|------------------------|
| 001 | SOURCE NAME           | TO TRIBUTARY          | TOWNSHIP | RANGE | SECTION | QQ   | SURVEY CODE AND NUMBER |
| 060 | Slate Creek           | St Joe River          | 46N      | 04E   | 27      | NENE |                        |
| 061 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NENE |                        |
| 062 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NENW |                        |
| 063 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NENW |                        |
| 064 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NENW |                        |
| 065 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NESW |                        |
| 066 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NWNE |                        |
| 067 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NWNW |                        |
| 068 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | NWSW |                        |
| 069 | Slate Creek           | St Joe River          | 46N      | 04E   | 27      | SENE |                        |
| 070 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | SENE |                        |
| 071 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | SENW |                        |
| 072 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | SESW |                        |
| 073 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | SWNW |                        |
| 074 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 27      | SWSW |                        |
| 075 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 29      |      |                        |
| 076 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 29      |      |                        |
| 077 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 29      |      |                        |
| 078 | Unnamed Stream        | West Fork Slate Creek | 46N      | 04E   | 29      |      |                        |
| 079 | West Fork Slate Creek | Slate Creek           | 46N      | 04E   | 29      |      |                        |
| 080 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 33      |      |                        |
| 081 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 33      |      |                        |
| 082 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 33      |      |                        |
| 083 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 33      |      |                        |
| 084 | West Fork Slate Creek | Slate Creek           | 46N      | 04E   | 33      |      |                        |
| 085 | Uhlman Creek          | Slate Creek           | 46N      | 04E   | 35      |      |                        |
| 086 | Unnamed Stream        | Fritz Creek           | 46N      | 04E   | 35      |      |                        |
| 087 | Unnamed Stream        | Fritz Creek           | 46N      | 04E   | 35      |      |                        |
| 088 | Unnamed Stream        | Slate Creek           | 46N      | 04E   | 35      |      |                        |

# Attachment 1

|     | A                | B            | C        | D     | E       | F  | G                      |
|-----|------------------|--------------|----------|-------|---------|----|------------------------|
| 001 | SOURCE NAME      | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 089 | Unnamed Stream   | Slate Creek  | 46N      | 04E   | 35      |    |                        |
| 090 | Unnamed Stream   | Uhlman Creek | 46N      | 04E   | 35      |    |                        |
| 091 | Lumberjack Creek | Slate Creek  | 46N      | 05E   | 19      |    |                        |

