

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. 91-07949F

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: 12/22/1934

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.

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 | Marble Creek | 43N | 03E | 1 | NENW | L 3 |
| 3 | Marble Creek | St Joe River | 43N | 03E | 1 | NWNW | L 4 |
| 4 | Unnamed Stream | Marble Creek | 43N | 03E | 1 | NWNW | L 4 |
| 5 | Marble Creek | St Joe River | 43N | 03E | 1 | SENW | |
| 6 | Unnamed Stream | Marble Creek | 43N | 03E | 1 | SENW | |
| 7 | Marble Creek | St Joe River | 43N | 03E | 1 | SWNW | |
| 8 | Unnamed Stream | Marble Creek | 43N | 03E | 13 | SENE | |
| 9 | Unnamed Stream | Marble Creek | 43N | 03E | 13 | SENE | |
| 10 | Freezeout Creek | Marble Creek | 43N | 03E | 13 | SESE | |
| 11 | Unnamed Stream | Marble Creek | 43N | 03E | 13 | SWNE | |
| 12 | Unnamed Stream | Marble Creek | 43N | 03E | 13 | SWNE | |
| 13 | Cornwall Creek | Marble Creek | 43N | 03E | 23 | NWNW | |
| 14 | Freezeout Creek | Marble Creek | 43N | 03E | 24 | NENE | |
| 15 | Unnamed Stream | Freezeout Creek | 43N | 03E | 24 | NENW | |
| 16 | Freezeout Creek | Marble Creek | 43N | 03E | 24 | NWNE | |
| 17 | Unnamed Stream | Freezeout Creek | 43N | 03E | 24 | SENE | |
| 18 | Unnamed Stream | Freezeout Creek | 43N | 03E | 24 | SENW | |
| 19 | Unnamed Stream | Freezeout Creek | 43N | 03E | 24 | SENW | |
| 20 | Unnamed Stream | Freezeout Creek | 43N | 03E | 25 | SWNE | |
| 21 | Unnamed Stream | Freezeout Creek | 43N | 03E | 25 | SWSW | |
| 22 | Unnamed Stream | Freezeout Creek | 43N | 03E | 26 | NESW | |
| 23 | Unnamed Stream | Freezeout Creek | 43N | 03E | 26 | NWNW | |
| 24 | Unnamed Stream | Freezeout Creek | 43N | 03E | 26 | NWSW | |
| 25 | Freezeout Creek | Marble Creek | 43N | 03E | 26 | SESE | |
| 26 | Unnamed Stream | Freezeout Creek | 43N | 03E | 26 | SESE | |
| 27 | Unnamed Stream | Freezeout Creek | 43N | 03E | 26 | SESW | |
| 28 | Unnamed Stream | Freezeout Creek | 43N | 03E | 26 | SWNW | |
| 29 | Unnamed Stream | Freezeout Creek | 43N | 03E | 26 | SWNW | |
| 30 | Freezeout Creek | Marble Creek | 43N | 03E | 26 | SWSE | |
| 31 | Unnamed Stream | Freezeout Creek | 43N | 03E | 27 | NENE | |
| 32 | Unnamed Stream | Freezeout Creek | 43N | 03E | 27 | NESE | |
| 33 | Unnamed Stream | Freezeout Creek | 43N | 03E | 27 | SENE | |

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

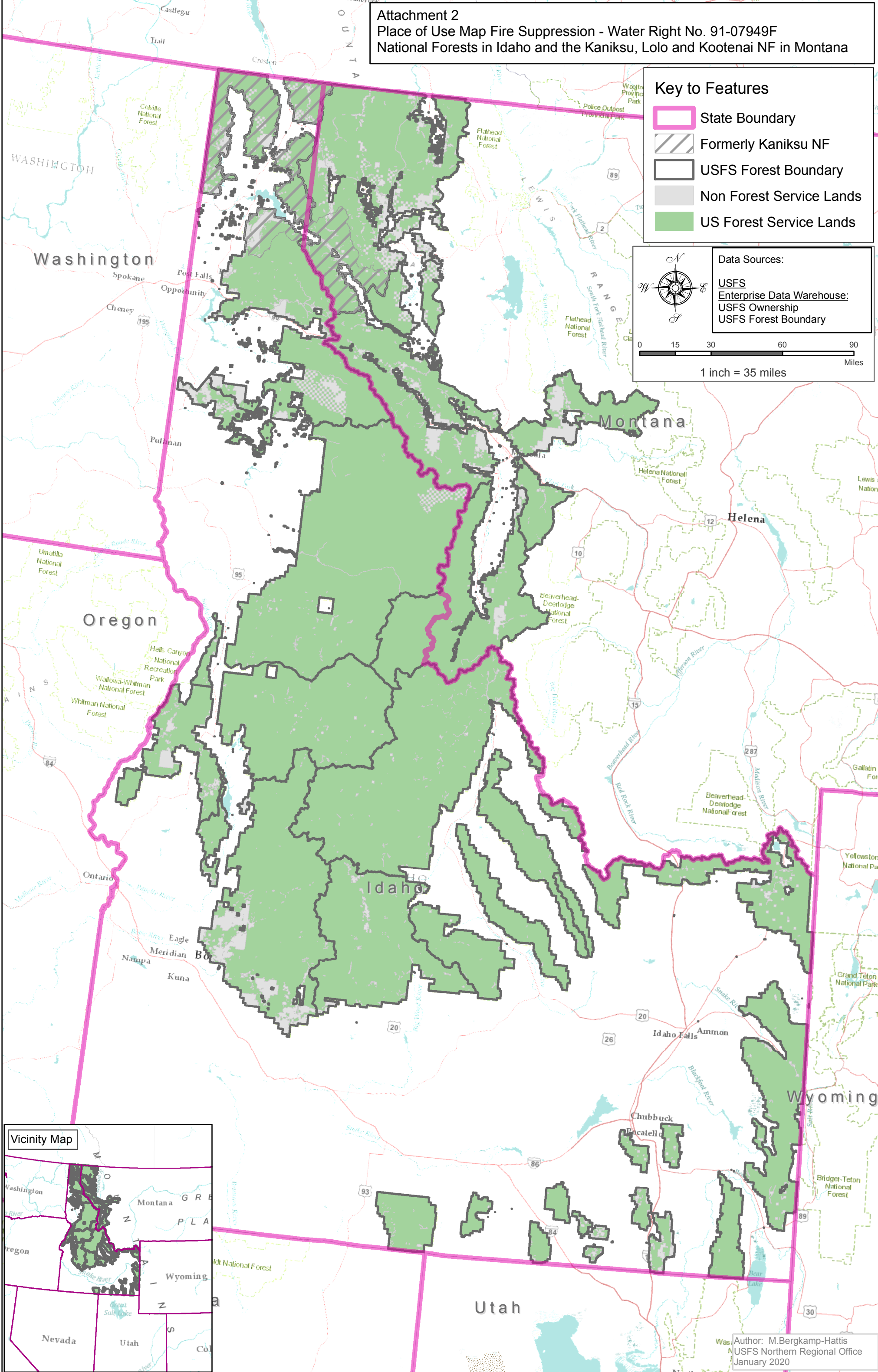
Key to Features

-  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



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 USFS Northern Regional Office
 January 2020