

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. 91-079490

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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 Upper Marble Creek subwatershed (HUC12 170103040501).

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

PRIORITY DATE: 11/27/2006

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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Unnamed Stream	Freezeout Creek	43N	03E	13	SWSW	
3	Unnamed Stream	Freezeout Creek	43N	03E	23	NENE	
4	Unnamed Stream	Freezeout Creek	43N	03E	23	NESW	
5	Unnamed Stream	Freezeout Creek	43N	03E	23	NWNE	
6	Unnamed Stream	Freezeout Creek	43N	03E	23	NWSW	
7	Unnamed Stream	Freezeout Creek	43N	03E	23	SESW	
8	Unnamed Stream	Freezeout Creek	43N	03E	23	SWSE	
9	Freezeout Creek	Marble Creek	43N	03E	24	NESW	
10	Unnamed Stream	Freezeout Creek	43N	03E	24	NWNW	
11	Unnamed Stream	Freezeout Creek	43N	03E	24	NWNW	
12	Freezeout Creek	Marble Creek	43N	03E	24	NWSE	
13	Freezeout Creek	Marble Creek	43N	03E	24	SESW	
14	Freezeout Creek	Marble Creek	43N	03E	24	SWNE	
15	Unnamed Stream	Freezeout Creek	43N	03E	24	SWNE	
16	Unnamed Stream	Freezeout Creek	43N	03E	24	SWNE	
17	Unnamed Stream	Freezeout Creek	43N	03E	24	SWNE	
18	Unnamed Stream	Freezeout Creek	43N	03E	24	SWNE	
19	Unnamed Stream	Freezeout Creek	43N	03E	24	SWNW	
20	Unnamed Stream	Marble Creek	43N	03E	25	SESE	
21	Freezeout Creek	Marble Creek	43N	03E	26	NENE	
22	Unnamed Stream	Freezeout Creek	43N	03E	26	NENE	
23	Unnamed Stream	Freezeout Creek	43N	03E	26	NENE	
24	Unnamed Stream	Freezeout Creek	43N	03E	26	NWNE	
25	Unnamed Stream	Freezeout Creek	43N	03E	26	NWNE	
26	Unnamed Stream	Freezeout Creek	43N	03E	26	SESW	
27	Unnamed Stream	Freezeout Creek	43N	03E	26	SESW	
28	Freezeout Creek	Marble Creek	43N	03E	35		
29	Unnamed Stream	Freezeout Creek	43N	03E	35		
30	Unnamed Stream	Freezeout Creek	43N	03E	35		
31	Unnamed Stream	Freezeout Creek	43N	03E	35		
32	Unnamed Stream	Marble Creek	43N	04E	30	NENW	
33	Unnamed Stream	Marble Creek	43N	04E	30	NESW	
34	Unnamed Stream	Marble Creek	43N	04E	30	NWSW	L 3
35	Unnamed Stream	Marble Creek	43N	04E	30	SESW	
36	Unnamed Stream	Marble Creek	43N	04E	30	SWNW	L 2
37	Unnamed Stream	Marble Creek	43N	04E	30	SWSW	L 4
38	Unnamed Pond	Freezeout Creek	43N	03E	35		
39	Unnamed Marsh	Freezeout Creek	43N	03E	35		

Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 91-079490  
 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

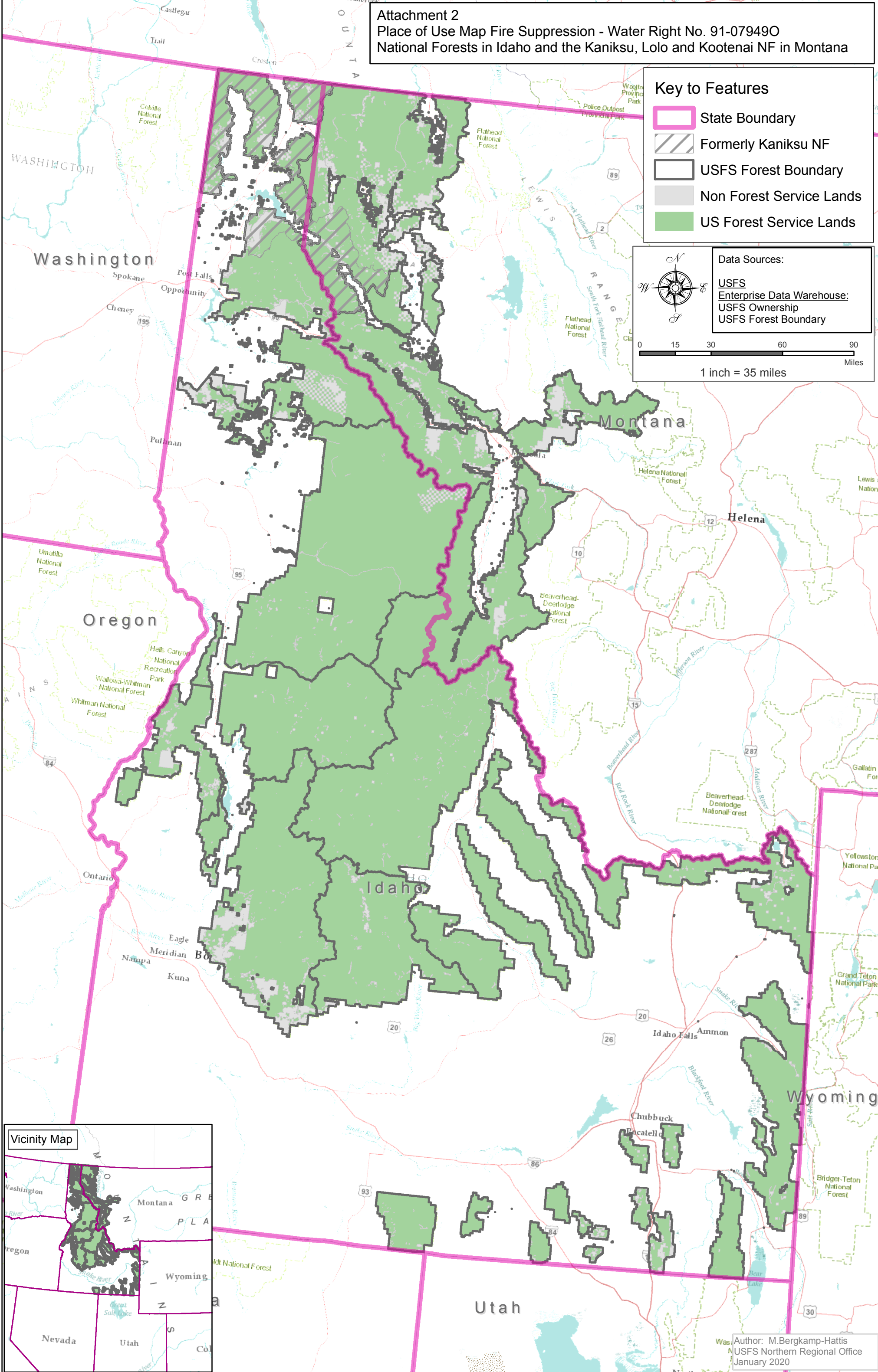
Data Sources:

- 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  
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