

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. 91-07953K

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: 12/02/1992

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	44N	03E	3	NESW	
3	Unnamed Stream	Marble Creek	44N	03E	3	NWNE	L 2
4	Unnamed Stream	Marble Creek	44N	03E	3	SESW	
5	Unnamed Stream	Marble Creek	44N	03E	3	SESW	
6	Unnamed Stream	Marble Creek	44N	03E	3	SWNE	
7	Unnamed Stream	Marble Creek	44N	03E	3	SWNE	
8	Unnamed Stream	Marble Creek	44N	03E	4	NWSE	
9	Unnamed Stream	Marble Creek	44N	03E	4	SENE	
10	Unnamed Stream	Marble Creek	44N	03E	4	SWNE	
11	Unnamed Stream	Marble Creek	44N	03E	5	NWSW	
12	Unnamed Stream	Marble Creek	44N	03E	5	SWNW	
13	Canyon Creek	Little North Fork Coeur d'Alene River	45N	03E	24	NENW	
14	Marble Creek	St. Joe River	45N	03E	24	NENW	
15	Marble Creek	St. Joe River	45N	03E	24	NWNE	
16	Marble Creek	St. Joe River	45N	03E	26	SENE	
17	Marble Creek	St. Joe River	45N	03E	26	SWNE	
18	Unnamed Stream	Marble Creek	45N	03E	26	SWNE	
19	Unnamed Stream	Donkey Creek	45N	03E	32	NESE	
20	Unnamed Stream	Donkey Creek	45N	03E	32	NWSE	
21	Unnamed Stream	Donkey Creek	45N	03E	32	SENE	
22	Unnamed Stream	Donkey Creek	45N	03E	32	SWNE	
23	Unnamed Stream	Marble Creek	45N	03E	34	NESE	

