

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. 91-07954A

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 Flemming Creek-St. Joe River subwatershed (HUC12 170103040601).

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

PRIORITY DATE: 11/06/1906

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	St Joe River	Coeur d'Alene Lake	45N	04E	11	SESE	
3	St Joe River	Coeur d'Alene Lake	45N	04E	11	SESE	L 1
4	Unnamed Stream	St Joe River	45N	04E	12	NENE	
5	Unnamed Stream	St Joe River	45N	04E	12	NENE	
6	Unnamed Stream	St Joe River	45N	04E	12	NESE	
7	Hamilton Creek	St Joe River	45N	04E	12	NESW	
8	Rock Creek	St Joe River	45N	04E	12	NWNE	
9	Rock Creek	St Joe River	45N	04E	12	NWSE	
10	Hamilton Creek	St Joe River	45N	04E	12	NWSW	
11	Unnamed Stream	Hamilton Creek	45N	04E	12	NWSW	
12	Unnamed Stream	St Joe River	45N	04E	12	SENE	
13	Unnamed Stream	St Joe River	45N	04E	12	SENE	
14	Unnamed Stream	St Joe River	45N	04E	12	SENE	
15	Unnamed Stream	St Joe River	45N	04E	12	SENE	
16	St Joe River	Coeur d'Alene Lake	45N	04E	12	SESE	
17	St Joe River	Coeur d'Alene Lake	45N	04E	12	SESE	L 1
18	Unnamed Stream	St Joe River	45N	04E	12	SESE	L 1
19	Hamilton Creek	St Joe River	45N	04E	12	SESW	L 3
20	St Joe River	Coeur d'Alene Lake	45N	04E	12	SESW	
21	St Joe River	Coeur d'Alene Lake	45N	04E	12	SESW	L 3
22	Rock Creek	St Joe River	45N	04E	12	SWNE	
23	Hamilton Creek	St Joe River	45N	04E	12	SWNW	
24	Unnamed Stream	Hamilton Creek	45N	04E	12	SWNW	
25	Flemming Creek	St Joe River	45N	04E	12	SWSE	
26	Flemming Creek	St Joe River	45N	04E	12	SWSE	L 7
27	Rock Creek	St Joe River	45N	04E	12	SWSE	L 2
28	St Joe River	Coeur d'Alene Lake	45N	04E	12	SWSE	
29	St Joe River	Coeur d'Alene Lake	45N	04E	12	SWSE	L 2
30	St Joe River	Coeur d'Alene Lake	45N	04E	12	SWSW	
31	St Joe River	Coeur d'Alene Lake	45N	04E	12	SWSW	L 4
32	Flemming Creek	St Joe River	45N	04E	13		
33	Unnamed Stream	Birthday Creek	45N	04E	23		
34	Unnamed Stream	Flemming Creek	45N	04E	23		
35	Flemming Creek	St Joe River	45N	04E	24		
36	Unnamed Stream	Birthday Creek	45N	04E	24		
37	Unnamed Stream	Flemming Creek	45N	04E	24		
38	Unnamed Stream	Flemming Creek	45N	04E	24		
39	Unnamed Stream	Flemming Creek	45N	04E	24		
40	Unnamed Stream	Flemming Creek	45N	04E	24		
41	Unnamed Stream	Flemming Creek	45N	04E	25		
42	Unnamed Stream	Flemming Creek	45N	04E	26		
43	Storm Creek	St Joe River	45N	05E	06		
44	Unnamed Stream	Rock Creek	45N	05E	06		
45	Unnamed Stream	St Joe River	45N	05E	06		
46	Unnamed Stream	Storm Creek	45N	05E	06		
47	Unnamed Stream	Storm Creek	45N	05E	06		
48	Unnamed Stream	St Joe River	45N	05E	08		
49	Unnamed Stream	St Joe River	45N	05E	08		
50	Unnamed Stream	St Joe River	45N	05E	08		
51	Unnamed Stream	St Joe River	45N	05E	08		
52	Unnamed Stream	St Joe River	45N	05E	08		
53	St Joe River	Coeur d'Alene Lake	45N	05E	18		
54	Unnamed Stream	Flemming Creek	45N	05E	18		
55	Unnamed Stream	St Joe River	45N	05E	18		
56	Flemming Creek	St Joe River	45N	05E	30		
57	Unnamed Stream	Flemming Creek	45N	05E	30		
58	Unnamed Stream	Flemming Creek	45N	05E	30		
59	Unnamed Stream	Flemming Creek	45N	05E	30		
60	Unnamed Stream	Flemming Creek	45N	05E	30		
61	Unnamed Stream	Flemming Creek	45N	05E	30		
62	Rock Creek	St Joe River	46N	04E	36		
63	Unnamed Stream	Rock Creek	46N	04E	36		
64	Unnamed Stream	Rock Creek	46N	04E	36		
65	Unnamed Stream	Rock Creek	46N	04E	36		
66	Unnamed Stream	Storm Creek	46N	05E	20		
67	Rock Creek	St Joe River	46N	05E	30		
68	Storm Creek	St Joe River	46N	05E	30		
69	Unnamed Stream	Storm Creek	46N	05E	30		
70	Unnamed Stream	Storm Creek	46N	05E	30		
71	Storm Creek	St Joe River	46N	05E	32		
72	Unnamed Stream	Storm Creek	46N	05E	32		
73	Unnamed Stream	Storm Creek	46N	05E	32		
74	Unnamed Stream	Storm Creek	46N	05E	32		

Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 91-07954A
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

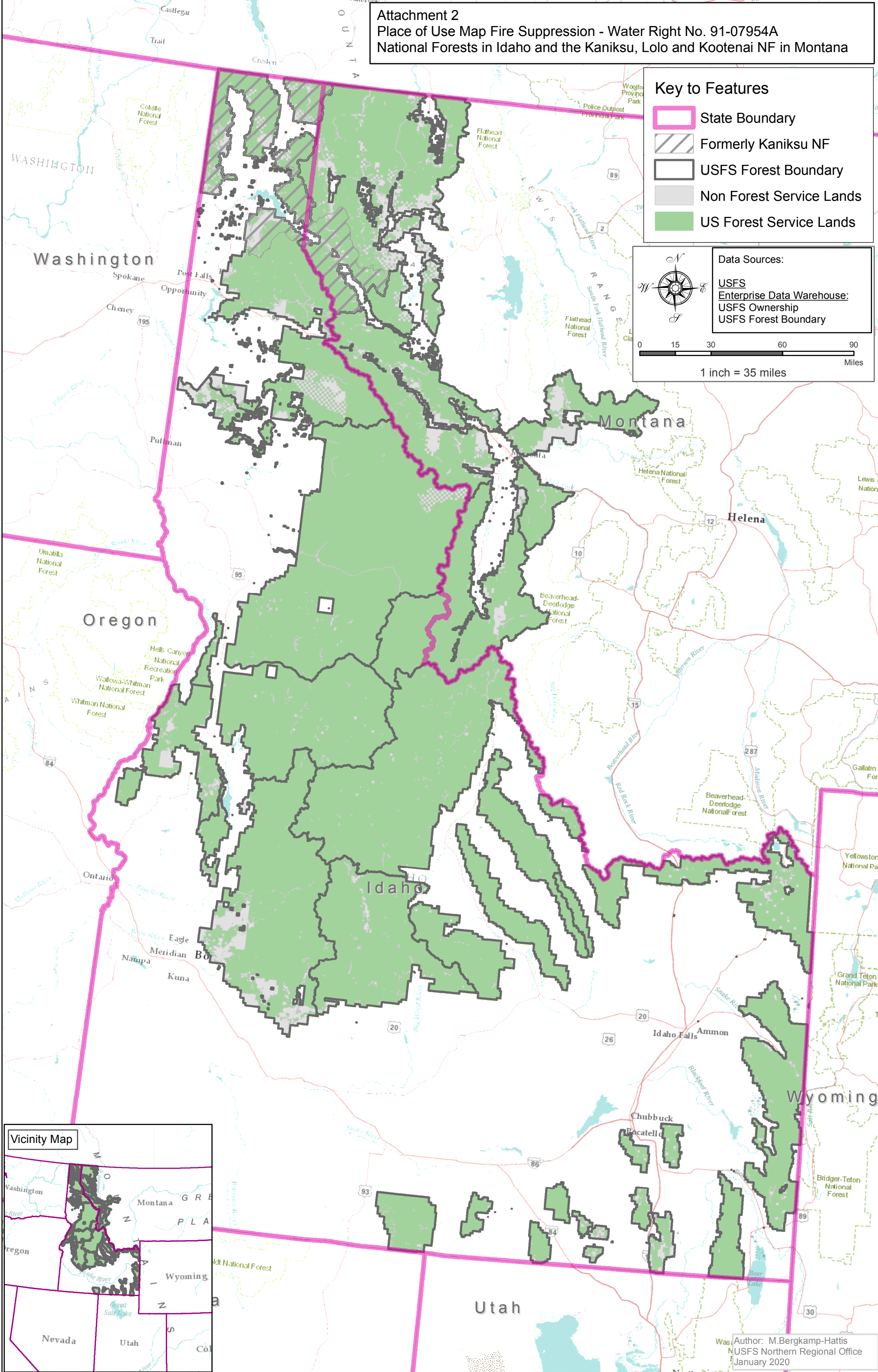
Key to Features

-  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