

**DISTRICT COURT - CSRBA**  
**Fifth Judicial District**  
**County of Twin Falls - State of Idaho**

**MAR 03 2022**

By \_\_\_\_\_  
Clerk

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Deputy Clerk

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. 91-07938A

**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 North Fork St Joe River subwatershed (HUC12 170103040203).

**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.

**RECOMMENDATION**

**MAR 03 2022**

*Eric J. Wildman*  
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**SPECIAL MASTER**

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	Miller Creek	North Fork St Joe River	45N	05E	01		
003	Nelson Creek	North Fork St Joe River	45N	05E	01		
004	North Fork St Joe River	St Joe River	45N	05E	01		
005	Unnamed Stream	Nelson Creek	45N	05E	01		
006	Unnamed Stream	North Fork St Joe River	45N	05E	01		
007	Unnamed Stream	North Fork St Joe River	45N	05E	01		
008	Unnamed Stream	North Fork St Joe River	45N	05E	01		
009	Unnamed Stream	North Fork St Joe River	45N	05E	01		
010	Unnamed Stream	North Fork St Joe River	45N	05E	01		
011	Unnamed Stream	North Fork St Joe River	45N	05E	02		
012	Unnamed Stream	North Fork St Joe River	45N	05E	02		
013	Unnamed Stream	North Fork St Joe River	45N	05E	02		
014	Unnamed Stream	North Fork St Joe River	45N	05E	02		
015	Unnamed Stream	North Fork St Joe River	45N	05E	02		
016	Unnamed Stream	North Fork St Joe River	45N	05E	02		
017	Unnamed Stream	North Fork St Joe River	45N	05E	02		
018	Unnamed Stream	North Fork St Joe River	45N	05E	02		
019	Unnamed Stream	North Fork St Joe River	45N	05E	02		
020	Unnamed Stream	North Fork St Joe River	45N	05E	02		
021	Unnamed Stream	North Fork St Joe River	45N	05E	02		
022	North Fork St Joe River	St Joe River	45N	05E	10		
023	Unnamed Stream	North Fork St Joe River	45N	05E	10		
024	Nelson Creek	North Fork St Joe River	45N	05E	12		
025	North Fork St Joe River	St Joe River	45N	05E	12		
026	Unnamed Stream	Nelson Creek	45N	05E	12		
027	North Fork St Joe River	St Joe River	45N	05E	14		
028	Telichpah Creek	North Fork St Joe River	45N	06E	04		
029	Telichpah Creek	North Fork St Joe River	45N	06E	05	SENE	L 9
030	Unnamed Stream	Telichpah Creek	45N	06E	05	SENW	L 11
031	Miller Creek	North Fork St Joe River	45N	06E	06		
032	Nelson Creek	North Fork St Joe River	45N	06E	06		
033	Unnamed Stream	Miller Creek	45N	06E	06		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
034	Unnamed Stream	Nelson Creek	45N	06E	06		
035	Unnamed Stream	Kyle Creek	46N	05E	10		
036	Rye Creek	North Fork St Joe River	46N	05E	12		
037	Unnamed Stream	Rye Creek	46N	05E	12		
038	Kyle Creek	North Fork St Joe River	46N	05E	14		
039	Unnamed Stream	Kyle Creek	46N	05E	14		
040	Unnamed Stream	Kyle Creek	46N	05E	14		
041	Unnamed Stream	Kyle Creek	46N	05E	14		
042	Unnamed Stream	Kyle Creek	46N	05E	14		
043	Unnamed Stream	Kyle Creek	46N	05E	14		
044	Unnamed Stream	Kyle Creek	46N	05E	14		
045	Kyle Creek	North Fork St Joe River	46N	05E	16		
046	Unnamed Stream	Hammond Creek	46N	05E	22		
047	Unnamed Stream	Hammond Creek	46N	05E	22		
048	Kyle Creek	North Fork St Joe River	46N	05E	24		
049	North Fork St Joe River	St Joe River	46N	05E	24		
050	Unnamed Stream	Motor Creek	46N	05E	24		
051	Unnamed Stream	North Fork St Joe River	46N	05E	24		
052	Unnamed Stream	North Fork St Joe River	46N	05E	24		
053	Unnamed Stream	North Fork St Joe River	46N	05E	24		
054	Hammond Creek	North Fork St Joe River	46N	05E	26		
055	Unnamed Stream	Hammond Creek	46N	05E	26		
056	Unnamed Stream	Hammond Creek	46N	05E	26		
057	Unnamed Stream	Hammond Creek	46N	05E	26		
058	Unnamed Stream	Hammond Creek	46N	05E	26		
059	Unnamed Stream	Hammond Creek	46N	05E	26		
060	Unnamed Stream	Hammond Creek	46N	05E	26		
061	Unnamed Stream	Hammond Creek	46N	05E	26		
062	Unnamed Stream	Stetson Creek	46N	05E	26		
063	Hammond Creek	North Fork St Joe River	46N	05E	28		
064	Unnamed Stream	Hammond Creek	46N	05E	28		
065	Unnamed Stream	Hammond Creek	46N	05E	28		

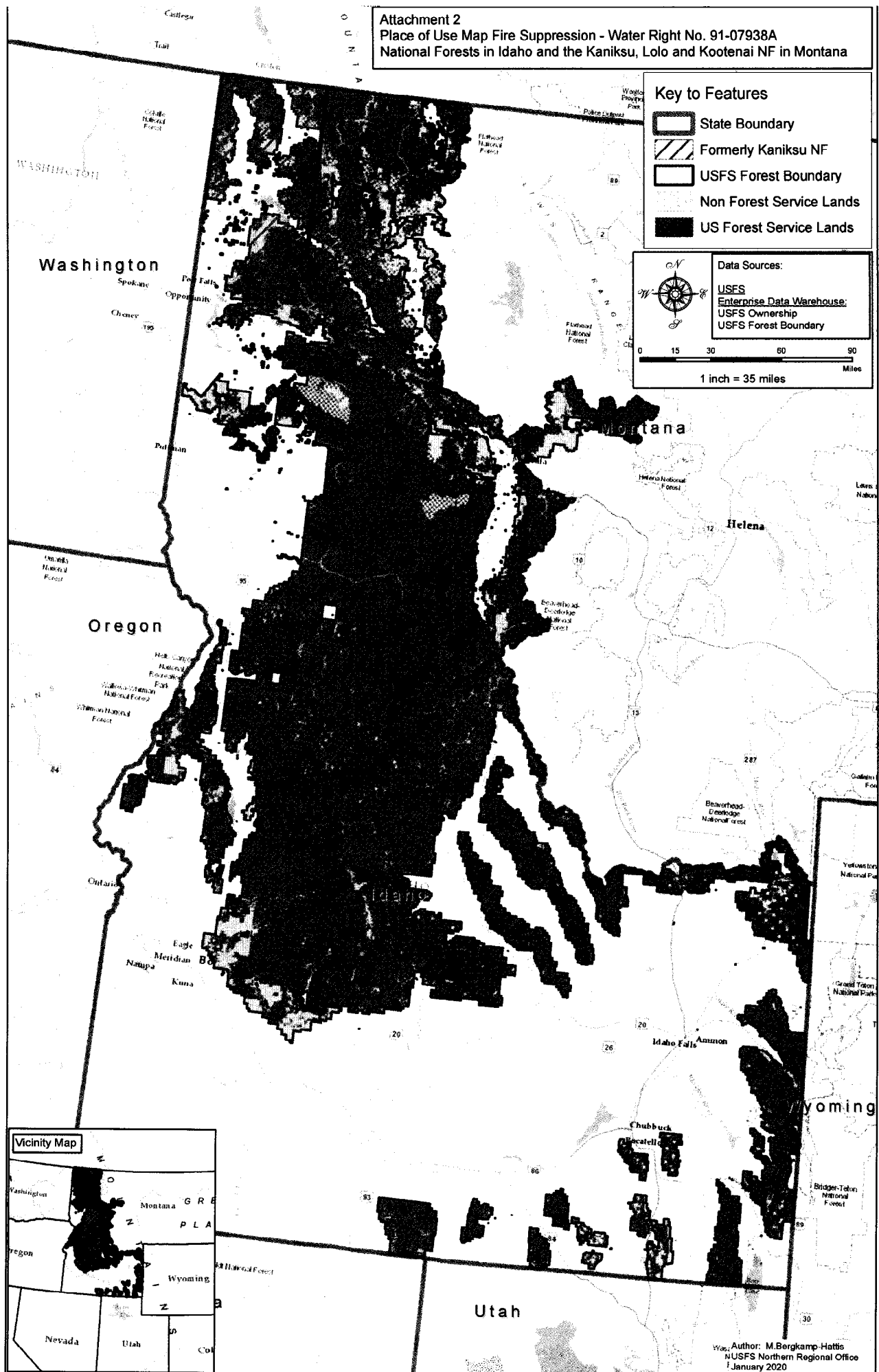
# Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
066	Unnamed Stream	Hammond Creek	46N	05E	28		
067	Unnamed Stream	Hammond Creek	46N	05E	28		
068	Unnamed Stream	Hammond Creek	46N	05E	28		
069	Stetson Creek	North Fork St Joe River	46N	05E	34		
070	Unnamed Stream	Hammond Creek	46N	05E	34		
071	Unnamed Stream	North Fork St Joe River	46N	05E	34		
072	Unnamed Stream	North Fork St Joe River	46N	05E	34		
073	Unnamed Stream	Stetson Creek	46N	05E	34		
074	North Fork St Joe River	St Joe River	46N	05E	36		
075	Stetson Creek	North Fork St Joe River	46N	05E	36		
076	Telichpah Creek	North Fork St Joe River	46N	05E	36		
077	Unnamed Stream	North Fork St Joe River	46N	05E	36		
078	Unnamed Stream	North Fork St Joe River	46N	05E	36		
079	Unnamed Stream	North Fork St Joe River	46N	05E	36		
080	Unnamed Stream	North Fork St Joe River	46N	05E	36		
081	Unnamed Stream	Telichpah Creek	46N	05E	36		
082	Long Liz Creek	North Fork St Joe River	46N	06E	08		
083	Unnamed Stream	Long Liz Creek	46N	06E	08		
084	Unnamed Stream	Long Liz Creek	46N	06E	08		
085	Unnamed Stream	Long Liz Creek	46N	06E	08		
086	Long Liz Creek	North Fork St Joe River	46N	06E	16		
087	Unnamed Stream	Big Dick Creek	46N	06E	16		
088	Unnamed Stream	Long Liz Creek	46N	06E	16		
089	Unnamed Stream	Long Liz Creek	46N	06E	16		
090	Unnamed Stream	Long Liz Creek	46N	06E	16		
091	Unnamed Stream	Long Liz Creek	46N	06E	16		
092	Big Dick Creek	North Fork St Joe River	46N	06E	18		
093	North Fork St Joe River	St Joe River	46N	06E	18		
094	Rye Creek	North Fork St Joe River	46N	06E	18		
095	Unnamed Stream	Big Dick Creek	46N	06E	18		
096	Unnamed Stream	North Fork St Joe River	46N	06E	18		
097	Big Dick Creek	North Fork St Joe River	46N	06E	20		

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
098	Unnamed Stream	Big Dick Creek	46N	06E	20		
099	Unnamed Stream	Big Dick Creek	46N	06E	20		
100	Unnamed Stream	Big Dick Creek	46N	06E	20		
101	Unnamed Stream	Big Dick Creek	46N	06E	20		
102	Unnamed Stream	Big Dick Creek	46N	06E	20		
103	Unnamed Stream	Big Dick Creek	46N	06E	20		
104	Unnamed Stream	Big Dick Creek	46N	06E	20		
105	Unnamed Stream	Big Dick Creek	46N	06E	20		
106	Unnamed Stream	Big Dick Creek	46N	06E	20		
107	Unnamed Stream	Big Dick Creek	46N	06E	20		
108	Unnamed Stream	Big Dick Creek	46N	06E	20		
109	Unnamed Stream	North Fork St Joe River	46N	06E	20		
110	Unnamed Stream	Telichpah Creek	46N	06E	20		
111	Unnamed Stream	Telichpah Creek	46N	06E	28		
112	Unnamed Stream	Telichpah Creek	46N	06E	28		
113	Unnamed Stream	Telichpah Creek	46N	06E	28		
114	Motor Creek	North Fork St Joe River	46N	06E	30		
115	Unnamed Stream	Telichpah Creek	46N	06E	30		
116	Unnamed Stream	Telichpah Creek	46N	06E	30		
117	Unnamed Stream	Telichpah Creek	46N	06E	30		
118	Telichpah Creek	North Fork St Joe River	46N	06E	32		
119	Unnamed Stream	Telichpah Creek	46N	06E	32		
120	Unnamed Stream	Telichpah Creek	46N	06E	32		
121	Unnamed Stream	Telichpah Creek	46N	06E	32		
122	Unnamed Stream	Telichpah Creek	46N	06E	32		
123	Unnamed Stream	Telichpah Creek	46N	06E	32		
124	Unnamed Stream	Telichpah Creek	46N	06E	32		
125	Cedar Lake	Kyle Creek	46N	05E	16		
126	Unnamed Pond	Telichpah Creek	46N	06E	32		

**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 91-07938A**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**



**Key to Features**

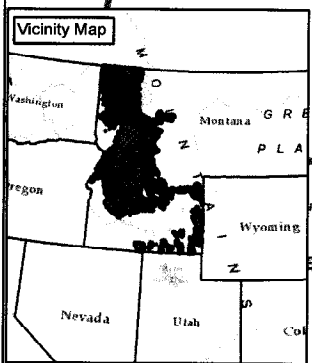
- State Boundary
- Formerly Kaniksu NF
- USFS Forest Boundary
- Non Forest Service Lands
- US Forest Service Lands

**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