

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)
) FOR FEDERAL RESERVED
Case No. 49576)
) WATER RIGHT NO. 91-07947E

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 Slate Creek subwatershed (HUC12 170103040401).

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

PRIORITY DATE: 03/11/1985

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.

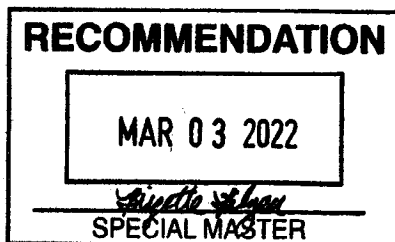
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
002	Unnamed Stream	Slate Creek	47N	04E	26	NESW	
003	Unnamed Stream	Slate Creek	47N	04E	26	NWSE	
004	Unnamed Stream	Slate Creek	47N	04E	26	NWSE	
005	Unnamed Stream	Slate Creek	47N	04E	26	NWSE	
006	Unnamed Stream	Slate Creek	47N	04E	26	NWSE	
007	Unnamed Stream	Slate Creek	47N	04E	26	NWSE	
008	Unnamed Stream	Slate Creek	47N	04E	26	SESW	
009	Unnamed Stream	Slate Creek	47N	04E	26	SWSE	
010	Unnamed Marsh	Slate Creek	47N	04E	26	NWSE	



Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 91-07947E
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

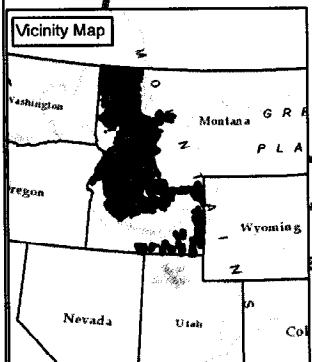
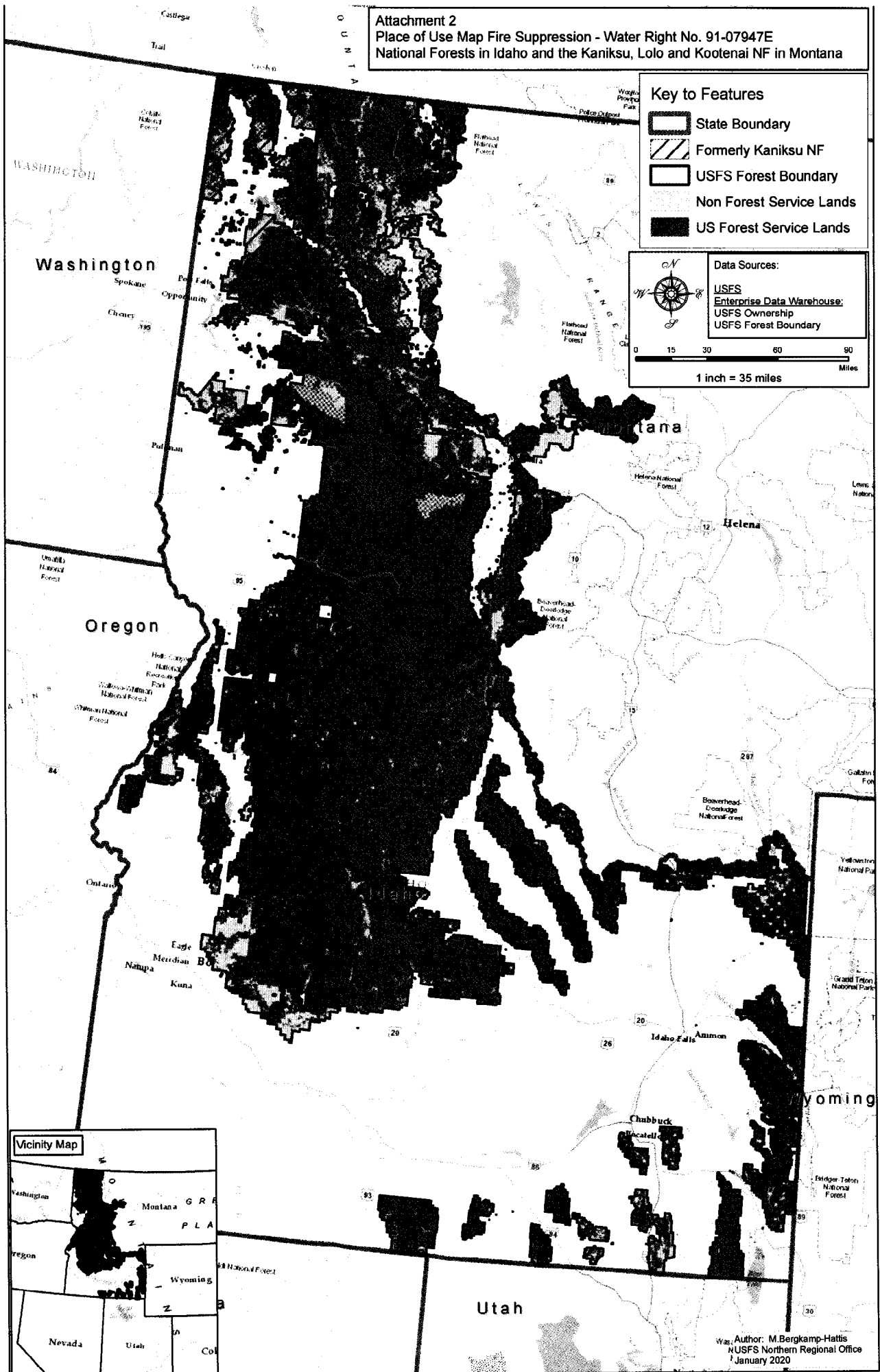
- State Boundary
- Formerly Kaniksu NF
- USFS Forest Boundary
- Non Forest Service Lands
- US Forest Service Lands

Data Sources:

- USFS
- Enterprise Data Warehouse
- USFS Ownership
- USFS Forest Boundary

1 inch = 35 miles



Author: M. Bergkamp-Hattis
 NUSFS Northern Regional Office
 January 2020

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

MAR 03 2022

By _____
Clerk
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. 91-07948A

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 Slate Creek subwatershed (HUC12 170103040402).

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

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RECOMMENDATION

MAR 03 2022

Eric J. Wildman

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	Unnamed Stream	Prospect Creek	46N	04E	04		
003	Unnamed Stream	West Fork Slate Creek	46N	04E	08		
004	West Fork Slate Creek	Slate Creek	46N	04E	08		
005	Fume Creek	Slate Creek	46N	04E	10		
006	Prospect Creek	Slate Creek	46N	04E	10		
007	Unnamed Stream	Prospect Creek	46N	04E	10		
008	Unnamed Stream	Prospect Creek	46N	04E	10		
009	Unnamed Stream	Prospect Creek	46N	04E	10		
010	Unnamed Stream	Prospect Creek	46N	04E	10		
011	Unnamed Stream	Prospect Creek	46N	04E	10		
012	Unnamed Stream	Prospect Creek	46N	04E	10		
013	Prospect Creek	Slate Creek	46N	04E	11	SWSE	
014	Unnamed Stream	Prospect Creek	46N	04E	11	SWSE	
015	Slate Creek	St Joe River	46N	04E	12		
016	Slate Creek	St Joe River	46N	04E	13	NWNW	
017	Fume Creek	Slate Creek	46N	04E	14		
018	Prospect Creek	Slate Creek	46N	04E	14		
019	Slate Creek	St Joe River	46N	04E	14		
020	Unnamed Stream	Prospect Creek	46N	04E	14		
021	Unnamed Stream	Slate Creek	46N	04E	14		
022	Unnamed Stream	Slate Creek	46N	04E	14		
023	Unnamed Stream	Slate Creek	46N	04E	14		
024	Unnamed Stream	Slate Creek	46N	04E	14		
025	Marion Creek	Slate Creek	46N	04E	16		
026	Unnamed Stream	Marion Creek	46N	04E	16		
027	Unnamed Stream	Marion Creek	46N	04E	16		
028	Unnamed Stream	Marion Creek	46N	04E	16		
029	Unnamed Stream	West Fork Slate Creek	46N	04E	16		
030	Unnamed Stream	West Fork Slate Creek	46N	04E	16		

Attachment 1






	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
031	Unnamed Stream	West Fork Slate Creek	46N	04E	16		
032	West Fork Slate Creek	Slate Creek	46N	04E	16		
033	Unnamed Stream	West Fork Slate Creek	46N	04E	20	NENE	
034	Unnamed Stream	West Fork Slate Creek	46N	04E	20	NWNE	
035	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SENW	
036	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SENW	
037	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SWNE	
038	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SWNE	
039	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SWSW	
040	Marion Creek	Slate Creek	46N	04E	22		
041	Slate Creek	St Joe River	46N	04E	22		
042	Unnamed Stream	Marion Creek	46N	04E	22		
043	Unnamed Stream	Slate Creek	46N	04E	22		
044	Lumberjack Creek	Slate Creek	46N	04E	24		
045	Unnamed Stream	Lumberjack Creek	46N	04E	24		
046	Unnamed Stream	Lumberjack Creek	46N	04E	24		
047	Unnamed Stream	Lumberjack Creek	46N	04E	24		
048	Unnamed Stream	Slate Creek	46N	04E	24		
049	Unnamed Stream	Slate Creek	46N	04E	24		
050	Unnamed Stream	Slate Creek	46N	04E	24		
051	Unnamed Stream	Slate Creek	46N	04E	24		
052	Fritz Creek	Slate Creek	46N	04E	26		
053	Lumberjack Creek	Slate Creek	46N	04E	26		
054	Unnamed Stream	Fritz Creek	46N	04E	26		
055	Unnamed Stream	Fritz Creek	46N	04E	26		
056	Unnamed Stream	Lumberjack Creek	46N	04E	26		
057	Unnamed Stream	Slate Creek	46N	04E	26		
058	Slate Creek	St Joe River	46N	04E	27	NESE	
059	Unnamed Stream	Slate Creek	46N	04E	27	NESE	

Attachment 1

	A	B	C	D	E	F	G
001	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
060	Slate Creek	St Joe River	46N	04E	27	NWSE	
061	Fritz Creek	Slate Creek	46N	04E	27	SESE	
062	Slate Creek	St Joe River	46N	04E	27	SESE	
063	Slate Creek	St Joe River	46N	04E	27	SWSE	
064	Unnamed Stream	Slate Creek	46N	04E	27	SWSE	
065	Unnamed Stream	Slate Creek	46N	04E	28	NWSE	
066	Unnamed Stream	Slate Creek	46N	04E	28	SESE	
067	Unnamed Stream	Slate Creek	46N	04E	28	SESE	
068	Unnamed Stream	Slate Creek	46N	04E	28	SESE	
069	Unnamed Stream	Slate Creek	46N	04E	28	SWSE	
070	Unnamed Stream	West Fork Slate Creek	46N	04E	28	SWSW	
071	Unnamed Stream	West Fork Slate Creek	46N	04E	30		
072	Unnamed Stream	West Fork Slate Creek	46N	04E	32	NENE	
073	West Fork Slate Creek	Slate Creek	46N	04E	32	NENE	
074	West Fork Slate Creek	Slate Creek	46N	04E	32	NESE	
075	West Fork Slate Creek	Slate Creek	46N	04E	32	SENE	
076	Slate Creek	St Joe River	46N	04E	34		
077	Uhlman Creek	Slate Creek	46N	04E	34		
078	Unnamed Stream	Slate Creek	46N	04E	34		
079	Unnamed Stream	Slate Creek	46N	04E	34		
080	Unnamed Stream	Slate Creek	46N	04E	34		
081	Unnamed Stream	Slate Creek	46N	04E	34		
082	Unnamed Stream	Slate Creek	46N	04E	34		
083	Unnamed Stream	Slate Creek	46N	04E	34		
084	Unnamed Stream	Slate Creek	46N	04E	34		
085	Unnamed Stream	Slate Creek	46N	04E	34		



Attachment 2
Place of Use Map Fire Suppression - Water Right No. 91-07948A
National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

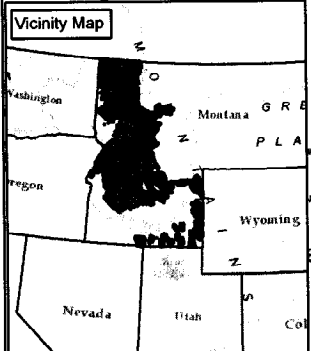
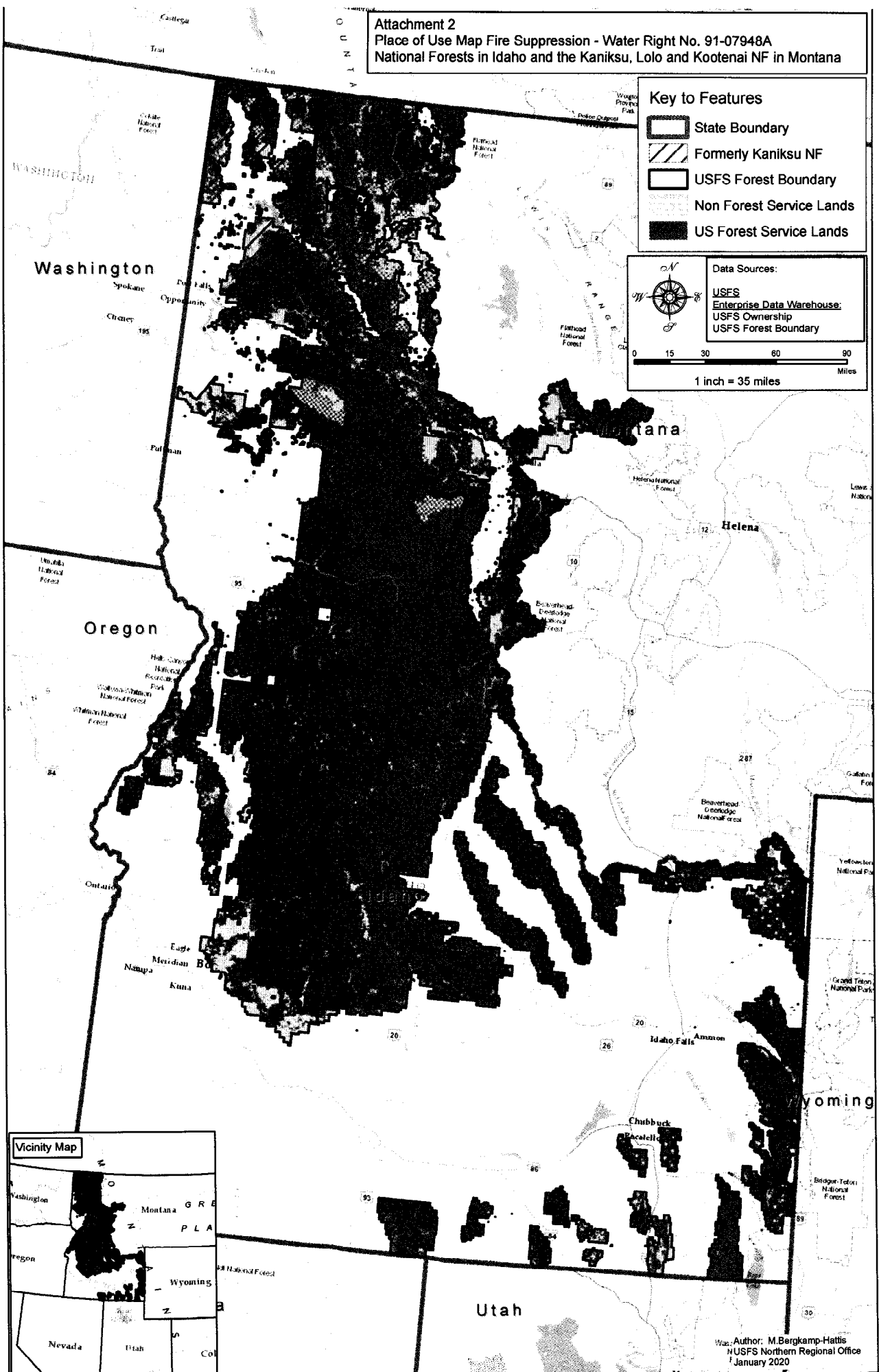
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

Data Sources:

- USFS
- Enterprise Data Warehouse
- USFS Ownership
- USFS Forest Boundary

1 inch = 35 miles



Author: M. Bergkamp-Hattis
 NUSFS Northern Regional Office
 January 2020

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MAR 03 2022

By _____ Clerk
 _____ Deputy Clerk

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 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 Slate Creek subwatershed (HUC12 170103040402).

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

PRIORITY DATE: 04/20/1931

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

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MAR 03 2022

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SPECIAL MASTER

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 Presiding Judge of the
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007	Unnamed Stream	West Fork Slate Creek	46N	04E	20	SENE	
008	West Fork Slate Creek	Slate Creek	46N	04E	20	SENE	
009	West Fork Slate Creek	Slate Creek	46N	04E	20	SESE	
010	Unnamed Stream	Slate Creek	46N	04E	28	NENE	
011	Unnamed Stream	West Fork Slate Creek	46N	04E	28	NENW	
012	Unnamed Stream	Slate Creek	46N	04E	28	NESE	
013	Unnamed Stream	West Fork Slate Creek	46N	04E	28	NWNE	
014	Unnamed Stream	West Fork Slate Creek	46N	04E	28	NWNW	
015	Unnamed Stream	West Fork Slate Creek	46N	04E	28	NWNW	
016	West Fork Slate Creek	Slate Creek	46N	04E	28	NWNW	
017	Unnamed Stream	Slate Creek	46N	04E	28	SENE	
018	Unnamed Stream	Slate Creek	46N	04E	28	SWNE	
019	Unnamed Stream	West Fork Slate Creek	46N	04E	32	NENW	
020	Unnamed Stream	West Fork Slate Creek	46N	04E	32	NWNE	

Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 91-07948B
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

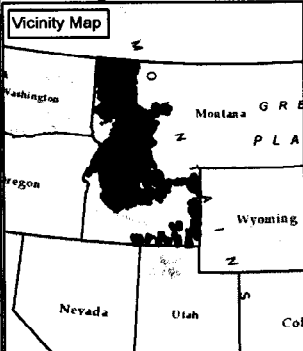
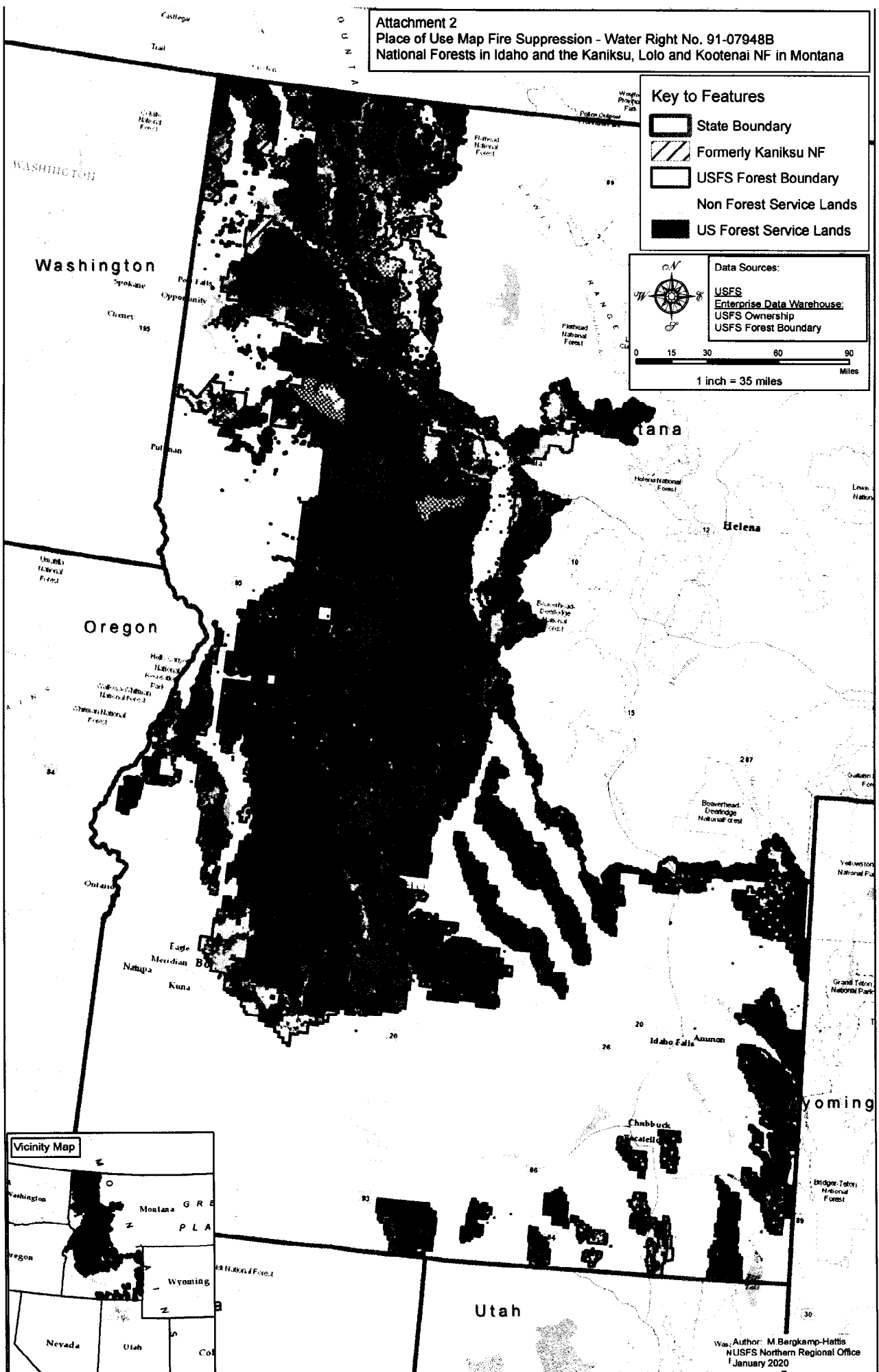
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- Non Forest Service Lands
- US Forest Service Lands

Data Sources:

- USFS
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- USFS Ownership
- USFS Forest Boundary

0 15 30 60 90 Miles

1 inch = 35 miles



Author: M. Bergkamp-Harris
 NUSFS Northern Regional Office
 January 2020