

**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. 91-07956A

**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 Black Prince Creek-St Joe River subwatershed (HUC12 170103040603).

**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:** PURPOSE OF USE PERIOD OF USE  
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**

*Aipette Elson*  
\_\_\_\_\_

SPECIAL MASTER

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	Black Prince Creek	46N	03E	12	NESE	L 3
3	Unnamed Stream	Black Prince Creek	46N	03E	23		
4	Unnamed Stream	Black Prince Creek	46N	03E	23		
5	Black Prince Creek	St Joe River	46N	03E	24		
6	Unnamed Stream	Black Prince Creek	46N	03E	24		
7	Unnamed Stream	Black Prince Creek	46N	03E	24		
8	Unnamed Stream	Black Prince Creek	46N	03E	24		
9	Unnamed Stream	Black Prince Creek	46N	03E	24		
10	Unnamed Stream	Black Prince Creek	46N	03E	24		
11	Unnamed Stream	Black Prince Creek	46N	03E	24		
12	Unnamed Stream	Black Prince Creek	46N	03E	24		
13	Unnamed Stream	Black Prince Creek	46N	03E	24		
14	Unnamed Stream	Black Prince Creek	46N	03E	24		
15	Unnamed Stream	Black Prince Creek	46N	03E	24		
16	Unnamed Stream	Black Prince Creek	46N	03E	24		
17	Unnamed Stream	Black Prince Creek	46N	03E	24		
18	Unnamed Stream	Black Prince Creek	46N	03E	24		
19	Francis Creek	St Joe River	46N	03E	26		
20	Unnamed Stream	Black Prince Creek	46N	03E	26		
21	Unnamed Stream	Black Prince Creek	46N	03E	26		
22	Unnamed Stream	Black Prince Creek	46N	03E	26		
23	Unnamed Stream	Black Prince Creek	46N	03E	26		
24	Unnamed Stream	Black Prince Creek	46N	03E	26		
25	Unnamed Stream	Black Prince Creek	46N	03E	26		
26	Unnamed Stream	Black Prince Creek	46N	03E	26		
27	Unnamed Stream	Francis Creek	46N	03E	26		
28	Mud Cabin Creek	St Joe River	46N	03E	28		
29	Unnamed Stream	Mud Cabin Creek	46N	03E	28		
30	Unnamed Stream	Mud Cabin Creek	46N	03E	32		
31	Agatha Creek	Francis Creek	46N	03E	34		
32	Francis Creek	St Joe River	46N	03E	34		
33	Unnamed Stream	Agatha Creek	46N	03E	34		
34	Black Prince Creek	St Joe River	46N	03E	35		
35	Unnamed Stream	Black Prince Creek	46N	03E	35		
36	Unnamed Stream	Black Prince Creek	46N	03E	35		
37	Unnamed Stream	Black Prince Creek	46N	03E	35		
38	Unnamed Stream	Black Prince Creek	46N	03E	35		
39	Unnamed Stream	Black Prince Creek	46N	03E	35		
40	Black Prince Creek	St Joe River	46N	03E	36		
41	Unnamed Stream	Black Prince Creek	46N	03E	36		
42	Unnamed Stream	Black Prince Creek	46N	03E	36		
43	Unnamed Stream	Tank Creek	46N	03E	36		
44	Black Prince Creek	St Joe River	46N	04E	8		
45	Unnamed Stream	Black Prince Creek	46N	04E	8		
46	Unnamed Stream	Black Prince Creek	46N	04E	18	NENE	
47	Unnamed Stream	Black Prince Creek	46N	04E	18	NESE	
48	Black Prince Creek	St Joe River	46N	04E	18	NWNE	
49	Unnamed Stream	Black Prince Creek	46N	04E	18	NWNE	
50	Unnamed Stream	Black Prince Creek	46N	04E	18	NWNE	
51	Unnamed Stream	Black Prince Creek	46N	04E	18	NWSE	
52	Unnamed Stream	Black Prince Creek	46N	04E	18	SENE	
53	Unnamed Stream	Black Prince Creek	46N	04E	18	SESE	
54	Unnamed Stream	Black Prince Creek	46N	04E	18	SESE	
55	Black Prince Creek	St Joe River	46N	04E	18	SES	W

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
56	Unnamed Stream	Black Prince Creek	46N	04E	18	SESW	
57	Black Prince Creek	St Joe River	46N	04E	18	SWNE	
58	Unnamed Stream	Black Prince Creek	46N	04E	18	SWNE	
59	Unnamed Stream	Black Prince Creek	46N	04E	18	SWNW	L 2
60	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
61	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
62	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
63	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
64	Unnamed Stream	Black Prince Creek	46N	04E	18	SWSE	
65	Black Prince Creek	St Joe River	46N	04E	18	SWSW	L 4
66	Unnamed Stream	Black Prince Creek	46N	04E	20		
67	Unnamed Stream	Black Prince Creek	46N	04E	30	NWNE	
68	Unnamed Stream	Harvey Creek	46N	04E	30	NWSE	
69	Unnamed Stream	Black Prince Creek	46N	04E	30	NWSW	L 3
70	Unnamed Stream	Harvey Creek	46N	04E	30	SWSE	
71	Unnamed Stream	Black Prince Creek	46N	04E	30	SWSW	L 4
72	Harvey Creek	St Joe River	46N	04E	31	NWSE	
73	Unnamed Stream	Blackjack Creek	46N	04E	31	SESE	
74	Harvey Creek	St Joe River	46N	04E	31	SWNE	
75	Harvey Creek	St Joe River	46N	04E	31	SWSE	
76	Unnamed Pond	Black Prince Creek	46N	04E	18		

**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 91-07956A National**  
**Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

