

**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. 94-09522A

**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 Lost Creek subwatershed (HUC12 170103010402).

**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**

*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
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	East Fork Lost Creek	Lost Creek	50N	04E	1		
3	Unnamed Stream	East Fork Lost Creek	50N	04E	1		
4	Unnamed Stream	East Fork Lost Creek	50N	04E	1		
5	Unnamed Stream	East Fork Lost Creek	50N	04E	1		
6	Unnamed Stream	East Fork Lost Creek	50N	04E	1		
7	East Fork Lost Creek	Lost Creek	50N	04E	2		
8	Unnamed Stream	East Fork Lost Creek	50N	04E	2		
9	Unnamed Stream	East Fork Lost Creek	50N	04E	2		
10	Unnamed Stream	East Fork Lost Creek	50N	04E	2		
11	Unnamed Stream	East Fork Lost Creek	50N	04E	2		
12	East Fork Lost Creek	Lost Creek	50N	04E	3		
13	Lost Creek	North Fork Coeur d'Alene River	50N	04E	3		
14	Unnamed Stream	Lost Creek	50N	04E	3		
15	Unnamed Stream	Lost Creek	50N	04E	3		
16	Unnamed Stream	Lost Creek	50N	04E	3		
17	Unnamed Stream	Lost Creek	50N	04E	3		
18	Lost Creek	North Fork Coeur d'Alene River	50N	04E	4		
19	Unnamed Stream	Lost Creek	50N	04E	4		
20	Unnamed Stream	Lost Creek	50N	04E	4		
21	Lost Creek	North Fork Coeur d'Alene River	50N	04E	9		
22	North Fork Coeur d'Alene River	Coeur d'Alene River	50N	04E	9		
23	Unnamed Stream	Lost Creek	50N	04E	9		
24	Unnamed Stream	East Fork Lost Creek	50N	04E	12		
25	Unnamed Stream	Lost Creek	51N	04E	12		
26	Unnamed Stream	Lost Creek	51N	04E	12		
27	Unnamed Stream	Lost Creek	51N	04E	12		
28	Unnamed Stream	Lost Creek	51N	04E	12		
29	Lost Creek	North Fork Coeur d'Alene River	51N	04E	13		
30	Unnamed Stream	Lost Creek	51N	04E	13		
31	Unnamed Stream	Lost Creek	51N	04E	13		
32	Unnamed Stream	Lost Creek	51N	04E	13		
33	Unnamed Stream	Lost Creek	51N	04E	13		
34	Unnamed Stream	Lost Creek	51N	04E	13		
35	Stack Creek	Lost Creek	51N	04E	22		
36	Unnamed Stream	Stack Creek	51N	04E	22		
37	Unnamed Stream	Stack Creek	51N	04E	22		
38	Lost Creek	North Fork Coeur d'Alene River	51N	04E	23		
39	Unnamed Stream	Lost Creek	51N	04E	23		
40	Unnamed Stream	Lost Creek	51N	04E	23		
41	Unnamed Stream	Lost Creek	51N	04E	23		
42	Unnamed Stream	Stack Creek	51N	04E	23		
43	Lost Creek	North Fork Coeur d'Alene River	51N	04E	24		
44	Unnamed Stream	East Fork Lost Creek	51N	04E	24		
45	Unnamed Stream	East Fork Lost Creek	51N	04E	24		
46	Unnamed Stream	Lost Creek	51N	04E	24		
47	Unnamed Stream	Lost Creek	51N	04E	24		
48	Unnamed Stream	Lost Creek	51N	04E	24		
49	Hat Creek	Lost Creek	51N	04E	25		
50	Unnamed Stream	East Fork Lost Creek	51N	04E	25		
51	Unnamed Stream	East Fork Lost Creek	51N	04E	25		
52	Unnamed Stream	East Fork Lost Creek	51N	04E	25		
53	Unnamed Stream	Hat Creek	51N	04E	25		
54	Unnamed Stream	Hat Creek	51N	04E	25		
55	Lost Creek	North Fork Coeur d'Alene River	51N	04E	26		
56	Unnamed Stream	Hat Creek	51N	04E	26		
57	Unnamed Stream	Lost Creek	51N	04E	26		
58	Unnamed Stream	Stack Creek	51N	04E	26		
59	Lost Creek	North Fork Coeur d'Alene River	51N	04E	27		
60	Stack Creek	Lost Creek	51N	04E	27		
61	Unnamed Stream	Lost Creek	51N	04E	27		
62	Unnamed Stream	Stack Creek	51N	04E	27		
63	Unnamed Stream	Stack Creek	51N	04E	27		
64	Unnamed Stream	Stack Creek	51N	04E	27		
65	Unnamed Stream	Stack Creek	51N	04E	27		
66	Unnamed Stream	Stack Creek	51N	04E	27		
67	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	NENE	
68	Stack Creek	Lost Creek	51N	04E	34	NENE	
69	Unnamed Stream	Lost Creek	51N	04E	34	NENW	
70	Hat Creek	Lost Creek	51N	04E	34	NESE	
71	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	NESE	
72	Unnamed Stream	Lost Creek	51N	04E	34	NESW	
73	Unnamed Stream	Lost Creek	51N	04E	34	NWNW	
74	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	NWSE	
75	Unnamed Stream	Lost Creek	51N	04E	34	NWSE	
76	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SENE	
77	Unnamed Stream	Lost Creek	51N	04E	34	SENE	
78	Hat Creek	Lost Creek	51N	04E	34	SESE	
79	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SESE	
80	Unnamed Stream	Lost Creek	51N	04E	34	SESW	

# Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
81	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SWNE	
82	Lost Creek	North Fork Coeur d'Alene River	51N	04E	34	SWSE	
83	Unnamed Stream	Lost Creek	51N	04E	34	SWSE	
84	Hat Creek	Lost Creek	51N	04E	35		
85	Unnamed Stream	East Fork Lost Creek	51N	04E	35		
86	Unnamed Stream	Hat Creek	51N	04E	35		
87	Unnamed Stream	Hat Creek	51N	04E	35		
88	East Fork Lost Creek	Lost Creek	51N	04E	36		
89	Hat Creek	Lost Creek	51N	04E	36		
90	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
91	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
92	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
93	Unnamed Stream	East Fork Lost Creek	51N	04E	36		
94	Unnamed Stream	Hat Creek	51N	04E	36		
95	Unnamed Stream	Hat Creek	51N	04E	36		
96	Unnamed Stream	Lost Creek	51N	05E	7		
97	Unnamed Stream	Lost Creek	51N	05E	7		
98	Lost Creek	North Fork Coeur d'Alene River	51N	05E	8		
99	Lost Creek	North Fork Coeur d'Alene River	51N	05E	17		
100	Unnamed Stream	Lost Creek	51N	05E	17		
101	Unnamed Stream	Lost Creek	51N	05E	17		
102	Unnamed Stream	Lost Creek	51N	05E	17		
103	Lost Creek	North Fork Coeur d'Alene River	51N	05E	18		
104	Unnamed Stream	Lost Creek	51N	05E	18		
105	Unnamed Stream	Lost Creek	51N	05E	18		
106	Unnamed Stream	Lost Creek	51N	05E	18		
107	Unnamed Stream	Lost Creek	51N	05E	18		
108	Unnamed Stream	Lost Creek	51N	05E	18		
109	Unnamed Stream	Lost Creek	51N	05E	18		
110	Unnamed Stream	Lost Creek	51N	05E	18		
111	Unnamed Stream	Lost Creek	51N	05E	18		
112	Unnamed Stream	Lost Creek	51N	05E	18		
113	Unnamed Stream	East Fork Lost Creek	51N	05E	19		
114	Unnamed Stream	East Fork Lost Creek	51N	05E	19		
115	Unnamed Stream	East Fork Lost Creek	51N	05E	19		
116	Unnamed Stream	East Fork Lost Creek	51N	05E	19		
117	Unnamed Stream	Lost Creek	51N	05E	19		
118	Unnamed Stream	Lost Creek	51N	05E	19		
119	East Fork Lost Creek	Lost Creek	51N	05E	20		
120	Unnamed Stream	East Fork Lost Creek	51N	05E	20		
121	Unnamed Stream	East Fork Lost Creek	51N	05E	20		
122	Unnamed Stream	East Fork Lost Creek	51N	05E	20		
123	Unnamed Stream	East Fork Lost Creek	51N	05E	21		
124	Unnamed Stream	East Fork Lost Creek	51N	05E	28		
125	Unnamed Stream	East Fork Lost Creek	51N	05E	28		
126	Unnamed Stream	East Fork Lost Creek	51N	05E	28		
127	East Fork Lost Creek	Lost Creek	51N	05E	29		
128	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
129	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
130	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
131	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
132	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
133	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
134	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
135	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
136	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
137	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
138	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
139	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
140	Unnamed Stream	East Fork Lost Creek	51N	05E	29		
141	East Fork Lost Creek	Lost Creek	51N	05E	30		
142	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
143	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
144	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
145	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
146	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
147	Unnamed Stream	East Fork Lost Creek	51N	05E	30		
148	East Fork Lost Creek	Lost Creek	51N	05E	31		
149	Unnamed Stream	East Fork Lost Creek	51N	05E	31		
150	Unnamed Stream	East Fork Lost Creek	51N	05E	31		
151	Unnamed Stream	East Fork Lost Creek	51N	05E	31		
152	Unnamed Stream	East Fork Lost Creek	51N	05E	31		
153	Unnamed Stream	East Fork Lost Creek	51N	05E	32		
154	Unnamed Stream	East Fork Lost Creek	51N	05E	32		
155	Unnamed Stream	East Fork Lost Creek	51N	05E	32		
156	Unnamed Stream	East Fork Lost Creek	51N	05E	33		
157	Unnamed Spring	East Fork Spring	50N	04E	12	NWNW	

Attachment 2  
 Place of Use Map Fire Suppression - 94-09522A  
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

**Key to Features**

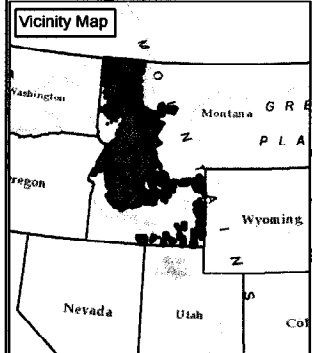
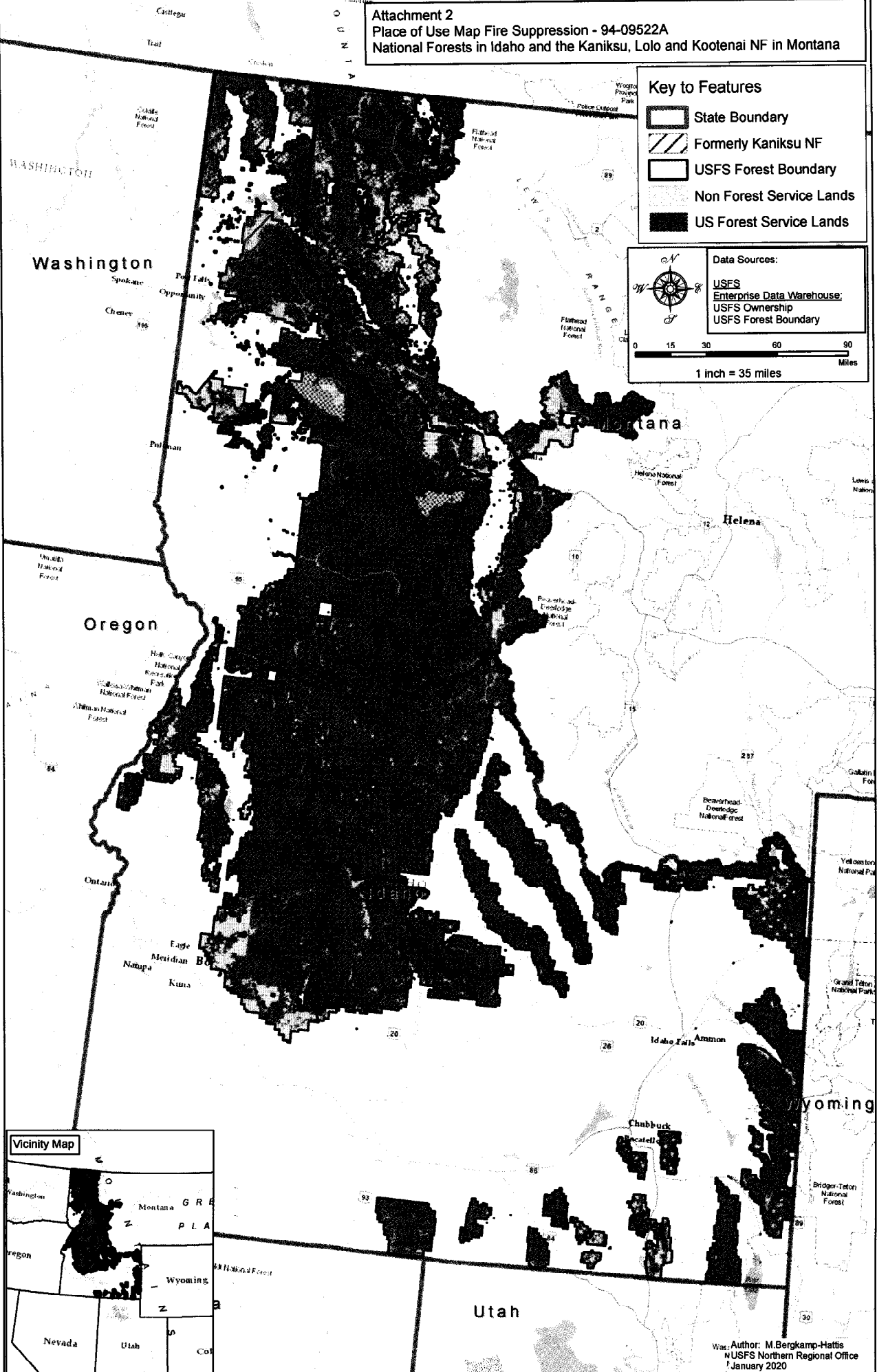
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**Data Sources:**

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

0 15 30 60 90  
Miles

1 inch = 35 miles



Was: Author: M.Bergkamp-Hattis  
 NUSFS Northern Regional Office  
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