

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. 94-09529J

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 Copper Creek-Lower Little North Fork Coeur d'Alene River subwatershed (HUC12 170103010604).

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

PRIORITY DATE: 06/22/1944

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 Kanixsu, 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

Briette Flynn

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	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	01E	5		
3	Owl Creek	Little North Fork Coeur d'Alene River	49N	01E	5		
4	Unnamed Stream	Owl Creek	49N	01E	5		
5	Unnamed Stream	Owl Creek	49N	01E	5		
6	Unnamed Stream	Owl Creek	49N	01E	5		
7	Unnamed Stream	Owl Creek	49N	01E	5		
8	Unnamed Stream	Owl Creek	49N	01E	6	NENE	L 1
9	Unnamed Stream	Owl Creek	49N	01E	6	SENE	
10	Unnamed Stream	Owl Creek	49N	01E	6	SENE	
11	Owl Creek	Little North Fork Coeur d'Alene River	49N	01E	7		
12	Unnamed Stream	Owl Creek	49N	01E	7		
13	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	6	NENW	L 3
14	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	6	NWNE	L 2
15	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	6	SENE	
16	Canyon Creek	Little North Fork Coeur d'Alene River	49N	02E	6	SWNW	L 5
17	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	02E	7		
18	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	17		
19	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
20	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
21	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
22	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
23	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	17		
24	Unnamed Stream	Copper Creek	50N	01E	19	NENW	
25	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NENW	
26	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	19	NESE	
27	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NESE	
28	Unnamed Stream	Copper Creek	50N	01E	19	NESW	
29	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NWNE	
30	Homer Creek	Mineral Creek	50N	01E	19	NWNW	L 1
31	Unnamed Stream	Copper Creek	50N	01E	19	NWNW	L 1
32	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	NWSE	
33	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	19	SENE	
34	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SENE	
35	Unnamed Stream	Copper Creek	50N	01E	19	SENE	
36	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SENE	
37	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SESE	
38	Unnamed Stream	Copper Creek	50N	01E	19	SESE	
39	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SESE	
40	Homer Creek	Mineral Creek	50N	01E	19	SWNW	L 2
41	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	19	SWSE	
42	Breakwater Creek	Little North Fork Coeur d'Alene River	50N	01E	29		
43	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	29		
44	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	29		
45	Unnamed Stream	Copper Creek	50N	01E	29		
46	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
47	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
48	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
49	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
50	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
51	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
52	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
53	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
54	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
55	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
56	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	29		
57	Unnamed Stream	Copper Creek	50N	01E	30	NENW	
58	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	NESW	
59	Unnamed Stream	Copper Creek	50N	01E	30	NWNW	L 1
60	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	NWSW	L 3
61	Unnamed Stream	Copper Creek	50N	01E	30	NWSW	L 3
62	Unnamed Stream	Copper Creek	50N	01E	30	NWSW	L 3
63	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	SESE	
64	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	SESE	
65	Unnamed Stream	Copper Creek	50N	01E	30	SESE	
66	Copper Creek	Little North Fork Coeur d'Alene River	50N	01E	30	SESE	
67	Unnamed Stream	Copper Creek	50N	01E	30	SWNW	L 2
68	Unnamed Stream	Copper Creek	50N	01E	30	SWNW	L 2
69	Unnamed Stream	Copper Creek	50N	01E	30	SWNW	L 2
70	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01E	31	SWSW	L 4
71	Unnamed Stream	Copper Creek	50N	01E	31		
72	Unnamed Stream	Gimlet Creek	50N	01E	31		
73	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	31		
74	Little Tepee Creek	Little North Fork Coeur d'Alene River	50N	01E	33		
75	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	33		
76	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	33		
77	Unnamed Stream	Little North Fork Coeur d'Alene River	50N	01E	33		
78	Homer Creek	Mineral Creek	50N	01W	13		
79	John Creek	Mineral Creek	50N	01W	13		
80	Unnamed Stream	John Creek	50N	01W	13		
81	Unnamed Stream	John Creek	50N	01W	13		
82	Unnamed Stream	John Creek	50N	01W	13		

Attachment 1

1	A	B	C	D	E	F	G
	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
83	Unnamed Stream	John Creek	50N	01W	13		
84	Unnamed Stream	John Creek	50N	01W	13		
85	Unnamed Stream	John Creek	50N	01W	14	SENE	
86	Unnamed Stream	John Creek	50N	01W	14	SENE	
87	Mineral Creek	Copper Creek	50N	01W	14	SESW	
88	Mineral Creek	Copper Creek	50N	01W	14	SWSE	
89	Fisher Creek	Copper Creek	50N	01W	23		
90	Mineral Creek	Copper Creek	50N	01W	23		
91	Unnamed Stream	Fisher Creek	50N	01W	23		
92	Unnamed Stream	Fisher Creek	50N	01W	23		
93	Unnamed Stream	Mineral Creek	50N	01W	23		
94	Unnamed Stream	Copper Creek	50N	01W	25	NESE	
95	Unnamed Stream	Copper Creek	50N	01W	25	NESE	
96	Unnamed Stream	Copper Creek	50N	01W	25	NWSE	
97	Unnamed Stream	Copper Creek	50N	01W	25	NWSE	
98	Copper Creek	Little North Fork Coeur d'Alene River	50N	01W	25	SENE	
99	Unnamed Stream	Copper Creek	50N	01W	25	SENE	
100	Unnamed Stream	Gimlet Creek	50N	01W	25	SESW	
101	Unnamed Stream	Gimlet Creek	50N	01W	25	SESW	
102	Unnamed Stream	Copper Creek	50N	01W	25	SWSE	
103	Unnamed Stream	Gimlet Creek	50N	01W	25	SWSE	
104	Stoney Creek	Copper Creek	50N	01W	27	NWNE	
105	Unnamed Stream	Stoney Creek	50N	01W	27	NWNE	
106	Stoney Creek	Copper Creek	50N	01W	27	SENE	
107	Unnamed Stream	Stoney Creek	50N	01W	27	SENW	
108	Unnamed Stream	Stoney Creek	50N	01W	27	SENW	
109	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	NWSE	
110	Unnamed Stream	Copper Creek	50N	01W	35	NWSW	
111	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	SENW	
112	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	SESE	
113	Unnamed Stream	Copper Creek	50N	01W	35	SWNW	
114	Unnamed Stream	Copper Creek	50N	01W	35	SWNW	
115	Gimlet Creek	Little North Fork Coeur d'Alene River	50N	01W	35	SWSE	
116	Unnamed Stream	Copper Creek	50N	01W	35	SWSW	
117	Canyon Creek	Little North Fork Coeur d'Alene River	50N	02E	31	NWSE	
118	Canyon Creek	Little North Fork Coeur d'Alene River	50N	02E	31	SWSE	
119	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	49N	02E	7		
120	Little North Fork Coeur d'Alene River	North Fork Coeur d'Alene River	50N	01E	29		
121	Unnamed Pond	Little North Fork Coeur d'Alene River	50N	01E	29		

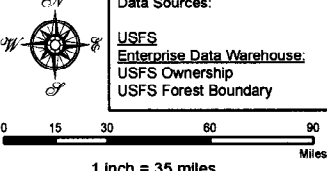
Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 94-09529J
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

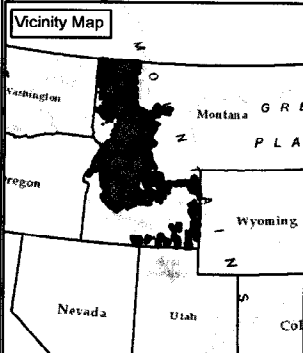
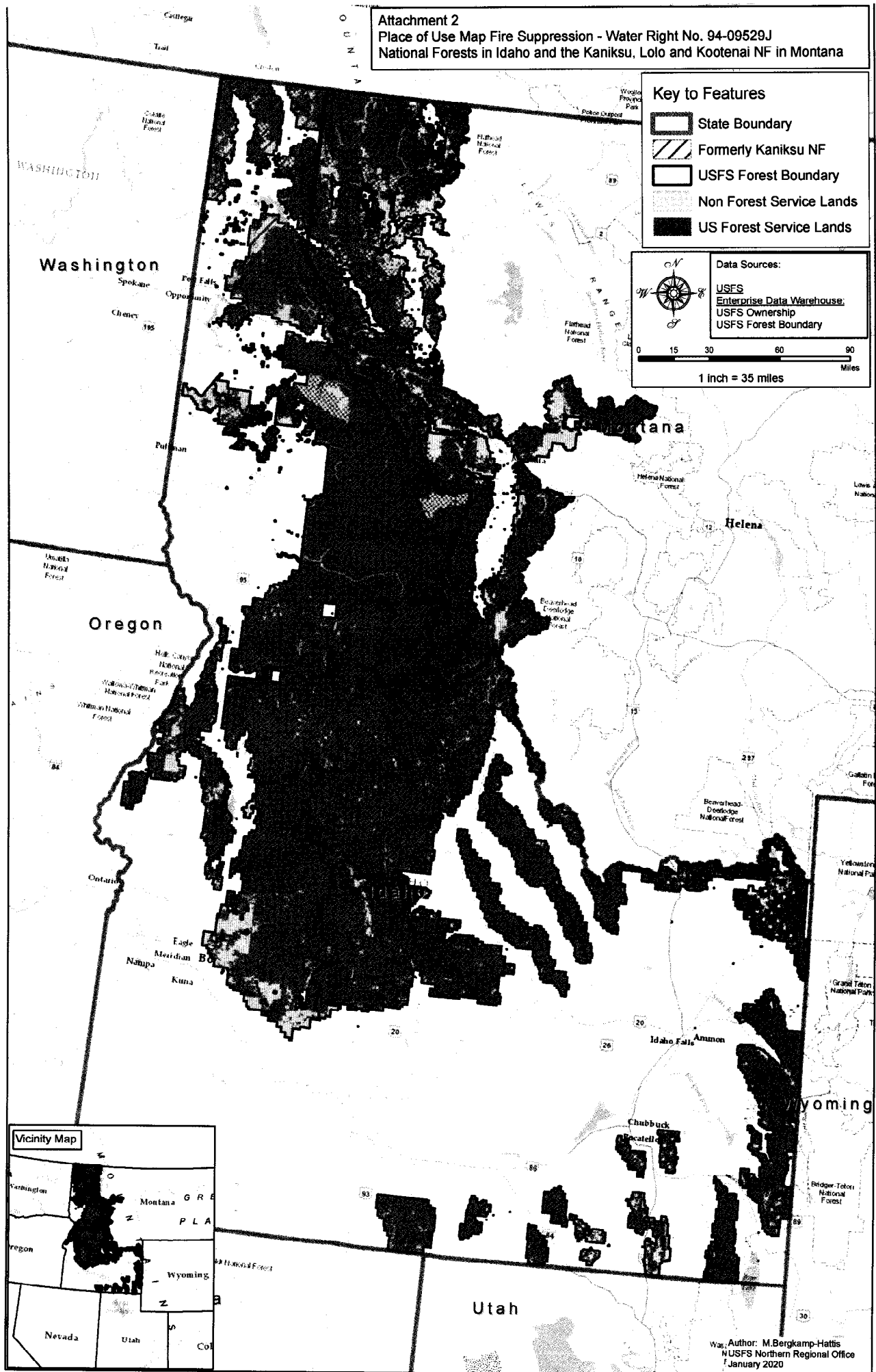
- State Boundary
- Formerly Kaniksu NF
- USFS Forest Boundary
- Non Forest Service Lands
- US Forest Service Lands

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
 WUSFS Northern Regional Office
 January 2020