

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. 91-07949C

**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 Marble Creek subwatershed (HUC12 170103040501).

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

**PRIORITY DATE:** 05/16/1932

**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.

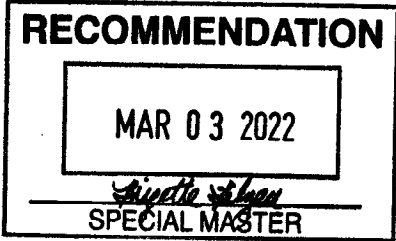
**OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:**

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.








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	Homestead Creek	Marble Creek	44N	03E	35		
3	Marble Creek	Saint Joe River	44N	03E	35		
4	Unnamed Stream	Homestead Creek	44N	03E	35		
5	Unnamed Stream	Homestead Creek	44N	03E	35		
6	Unnamed Stream	Marble Creek	44N	03E	35		
7	Homestead Creek	Marble Creek	44N	03E	36	NWNE	
8	Unnamed Stream	Marble Creek	44N	04E	31	NESW	
9	Unnamed Stream	Duplex Creek	44N	04E	31	SESE	
10	Unnamed Stream	Marble Creek	44N	04E	31	SESW	
11	Unnamed Marsh	Marble Creek	44N	03E	35		

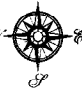

**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 91-07949C**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

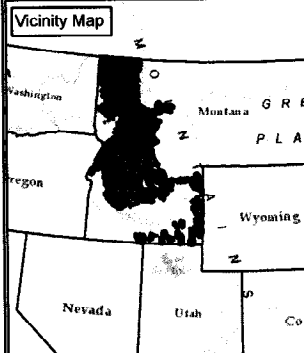
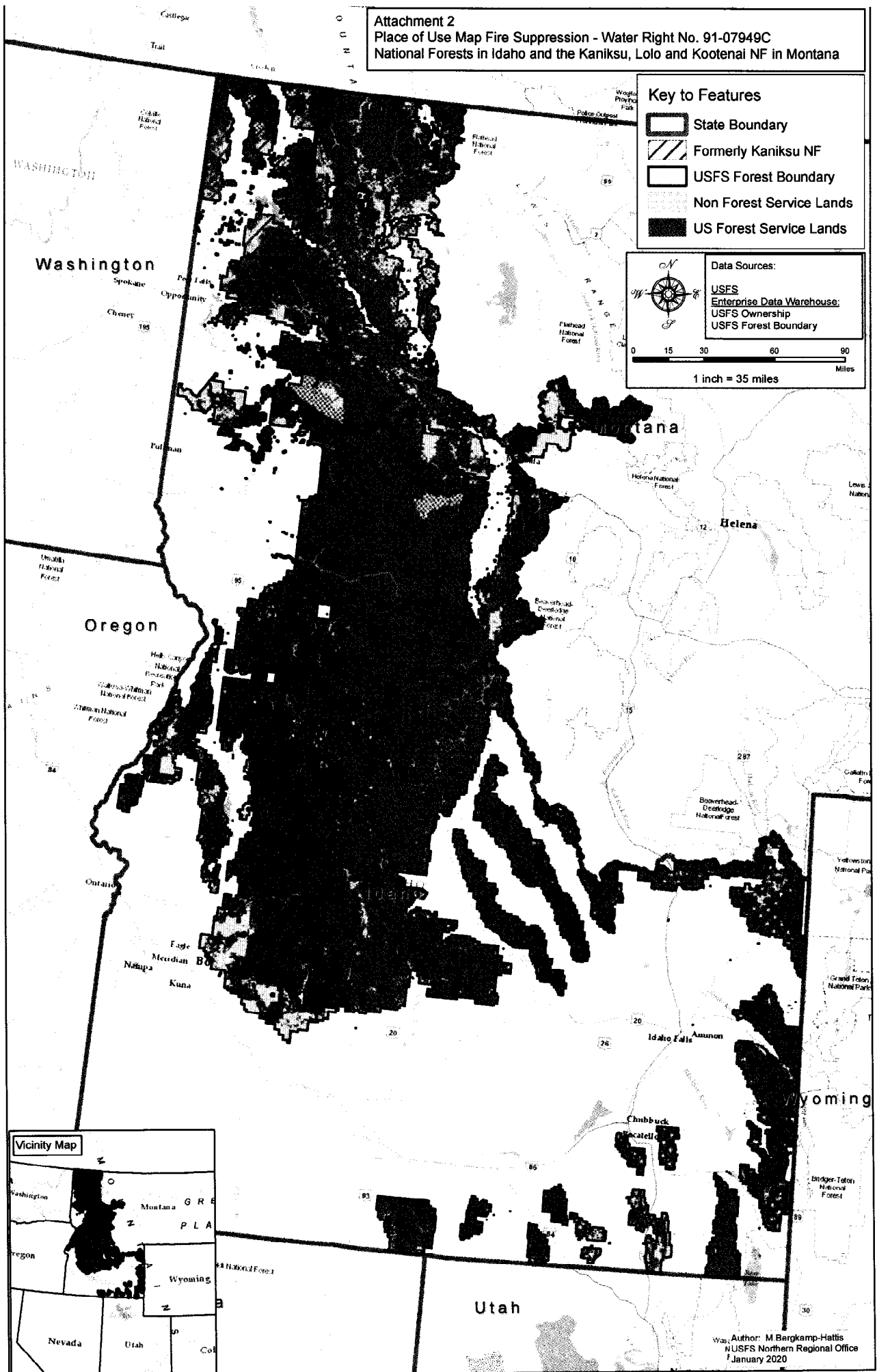
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**Data Sources:**

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

1 inch = 35 miles



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