

**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. 94-09518A

**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 Tepee Creek subwatershed (HUC12 170103010204).

**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

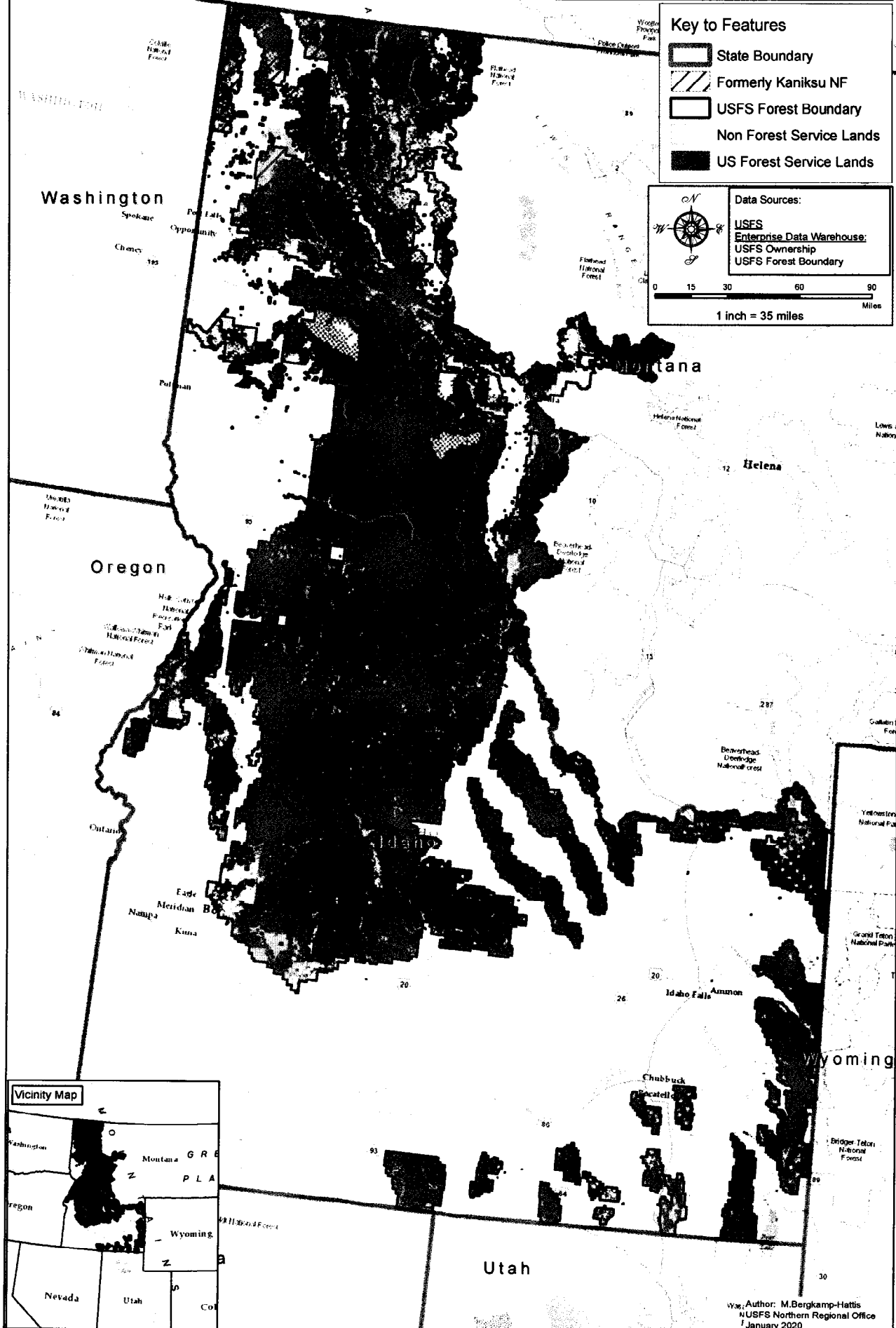
Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
2	Evans Creek	Tepee Creek	52N	01E	1		
3	Magee Creek	Tepee Creek	52N	01E	12		
4	Magee Creek	Tepee Creek	52N	01E	13		
5	Mac Creek	Tepee Creek	52N	02E	1		
6	Tepee Creek	Coeur d'Alene River	52N	02E	1		
7	Unnamed Stream	North Fork Coeur d'Alene River	52N	02E	1		
8	Unnamed Stream	Tepee Creek	52N	02E	1		
9	Unnamed Stream	Tepee Creek	52N	02E	1		
10	Forks Creek	Tepee Creek	52N	02E	2		
11	Opposite Creek	Tepee Creek	52N	02E	2		
12	Tepee Creek	Coeur d'Alene River	52N	02E	2		
13	Unnamed Stream	Forks Creek	52N	02E	2		
14	Unnamed Stream	Tepee Creek	52N	02E	2		
15	Winton Creek	Tepee Creek	52N	02E	2		
16	Mercury Creek	Tepee Creek	52N	02E	3		
17	Tepee Creek	Coeur d'Alene River	52N	02E	3		
18	Unnamed Stream	Forks Creek	52N	02E	3		
19	Unnamed Stream	Tepee Creek	52N	02E	3		
20	Unnamed Stream	Tepee Creek	52N	02E	3		
21	Unnamed Stream	Tepee Creek	52N	02E	3		
22	Unnamed Stream	Tepee Creek	52N	02E	3		
23	Tepee Creek	Coeur d'Alene River	52N	02E	4		
24	Unnamed Stream	Tepee Creek	52N	02E	4		
25	Unnamed Stream	Tepee Creek	52N	02E	4		
26	Pierson Creek	Tepee Creek	52N	02E	5		
27	Evans Creek	Tepee Creek	52N	02E	6		
28	Pierson Creek	Tepee Creek	52N	02E	6		
29	Unnamed Stream	Pierson Creek	52N	02E	6		
30	Blackie Creek	Tepee Creek	52N	02E	7		
31	Evans Creek	Tepee Creek	52N	02E	7		
32	Unnamed Stream	Evans Creek	52N	02E	7		
33	Unnamed Stream	Pierson Creek	52N	02E	7		
34	Unnamed Stream	Tepee Creek	52N	02E	8	NENE	
35	Cool Water Creek	Tepee Creek	52N	02E	8	NENW	
36	Unnamed Stream	Tepee Creek	52N	02E	8	NESE	
37	Pierson Creek	Tepee Creek	52N	02E	8	NWNW	
38	Cool Water Creek	Tepee Creek	52N	02E	8	NWSE	
39	Pierson Creek	Tepee Creek	52N	02E	8	NWSW	
40	Unnamed Stream	Tepee Creek	52N	02E	8	SENE	
41	Unnamed Stream	Tepee Creek	52N	02E	8	SENE	
42	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	8	SESE	
43	Unnamed Stream	Tepee Creek	52N	02E	8	SESE	
44	Cool Water Creek	Tepee Creek	52N	02E	8	SWNE	
45	Unnamed Stream	Tepee Creek	52N	02E	8	SWNE	
46	Pierson Creek	Tepee Creek	52N	02E	8	SWNW	
47	Unnamed Stream	Pierson Creek	52N	02E	8	SWNW	
48	Cool Water Creek	Tepee Creek	52N	02E	8	SWSE	
49	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	8	SWSE	
50	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	9		
51	Tepee Creek	Coeur d'Alene River	52N	02E	9		
52	Unnamed Stream	Plant Creek	52N	02E	9		
53	Unnamed Stream	Tepee Creek	52N	02E	9		
54	Unnamed Stream	Tepee Creek	52N	02E	9		
55	Unnamed Stream	Tepee Creek	52N	02E	9		
56	Unnamed Stream	Tepee Creek	52N	02E	9		
57	Unnamed Stream	Tepee Creek	52N	02E	9		
58	Plant Creek	Tepee Creek	52N	02E	10		
59	Tepee Creek	Coeur d'Alene River	52N	02E	10		
60	Unnamed Stream	Plant Creek	52N	02E	10		
61	Unnamed Stream	Plant Creek	52N	02E	10		
62	Unnamed Stream	Plant Creek	52N	02E	10		
63	Unnamed Stream	Plant Creek	52N	02E	10		
64	Unnamed Stream	Tepee Creek	52N	02E	10		
65	Unnamed Stream	Tepee Creek	52N	02E	10		
66	Unnamed Stream	Tepee Creek	52N	02E	10		
67	Unnamed Stream	Tepee Creek	52N	02E	10		
68	Unnamed Stream	Tepee Creek	52N	02E	10		
69	Opposite Creek	Tepee Creek	52N	02E	11		
70	Unnamed Stream	Opposite Creek	52N	02E	11		
71	Unnamed Stream	Tepee Creek	52N	02E	11		
72	Unnamed Stream	Tepee Creek	52N	02E	11		
73	Unnamed Stream	North Fork Coeur d'Alene River	52N	02E	12		
74	Unnamed Stream	Plant Creek	52N	02E	14		
75	Plant Creek	Tepee Creek	52N	02E	15		
76	Unnamed Stream	Fearn Creek	52N	02E	15		
77	Unnamed Stream	Fearn Creek	52N	02E	15		
78	Unnamed Stream	Plant Creek	52N	02E	15		
79	Unnamed Stream	Plant Creek	52N	02E	15		
80	Unnamed Stream	Plant Creek	52N	02E	15		
81	Unnamed Stream	Plant Creek	52N	02E	15		
82	Unnamed Stream	Plant Creek	52N	02E	15		

## Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
83	Fearn Creek	Tepee Creek	52N	02E	16		
84	Unnamed Stream	Fearn Creek	52N	02E	16		
85	Unnamed Stream	Fearn Creek	52N	02E	16		
86	Unnamed Stream	Fearn Creek	52N	02E	16		
87	Unnamed Stream	Fearn Creek	52N	02E	16		
88	Unnamed Stream	Fearn Creek	52N	02E	16		
89	Unnamed Stream	Fearn Creek	52N	02E	16		
90	Unnamed Stream	Fearn Creek	52N	02E	16		
91	Fearn Creek	Tepee Creek	52N	02E	17	NENE	
92	Steep Creek	Tepee Creek	52N	02E	17	NESW	
93	Fearn Creek	Tepee Creek	52N	02E	17	NWNE	
94	Fearn Creek	Tepee Creek	52N	02E	17	SENE	
95	Unnamed Stream	Fearn Creek	52N	02E	17	SENE	
96	Steep Creek	Tepee Creek	52N	02E	17	SENE	
97	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	17	SENE	
98	Steep Creek	Tepee Creek	52N	02E	17	SENE	
99	Blackie Creek	Tepee Creek	52N	02E	17	SENE	
100	Steep Creek	Tepee Creek	52N	02E	17	SENE	
101	Tepee Creek	North Fork Coeur d'Alene River	52N	02E	17	SENE	
102	Steep Creek	Tepee Creek	52N	02E	17	SENE	
103	Unnamed Stream	Tepee Creek	52N	02E	17	SENE	
104	Blackie Creek	Tepee Creek	52N	02E	18	NWNE	
105	Magee Creek	Tepee Creek	52N	02E	18	NWNE	L 1
106	Magee Creek	Tepee Creek	52N	02E	18	NWNE	
107	Blackie Creek	Tepee Creek	52N	02E	18	SENE	
108	Magee Creek	Tepee Creek	52N	02E	18	SENE	
109	Magee Creek	Tepee Creek	52N	02E	18	SENE	
110	Magee Creek	Tepee Creek	52N	02E	18	SENE	L 2
111	Steep Creek	Tepee Creek	52N	02E	20		
112	Unnamed Stream	Tepee Creek	52N	02E	20		
113	Unnamed Stream	Tepee Creek	52N	02E	20		
114	Fearn Creek	Tepee Creek	52N	02E	21		
115	Unnamed Stream	Fearn Creek	52N	02E	21		
116	Unnamed Stream	Fearn Creek	52N	02E	21		
117	Unnamed Stream	Fearn Creek	52N	02E	22		
118	North Fork Coeur d'Alene River	Coeur d'Alene River	52N	03E	6		
119	Unnamed Stream	North Fork Coeur d'Alene River	52N	03E	6		
120	Forks Creek	Tepee Creek	53N	02E	26		
121	Mac Creek	Tepee Creek	53N	02E	26		
122	Unnamed Stream	Forks Creek	53N	02E	26		
123	Unnamed Stream	Forks Creek	53N	02E	26		
124	Forks Creek	Tepee Creek	53N	02E	27		
125	Mercury Creek	Tepee Creek	53N	02E	27		
126	Unnamed Stream	Forks Creek	53N	02E	27		
127	Unnamed Stream	Mercury Creek	53N	02E	27		
128	Forks Creek	Tepee Creek	53N	02E	34		
129	Mercury Creek	Tepee Creek	53N	02E	34		
130	Unnamed Stream	Forks Creek	53N	02E	34		
131	Unnamed Stream	Forks Creek	53N	02E	34		
132	Unnamed Stream	Mercury Creek	53N	02E	34		
133	Unnamed Stream	Mercury Creek	53N	02E	34		
134	Unnamed Stream	Mercury Creek	53N	02E	34		
135	Unnamed Stream	Tepee Creek	53N	02E	34		
136	Forks Creek	Tepee Creek	53N	02E	35		
137	Mac Creek	Tepee Creek	53N	02E	35		
138	Unnamed Stream	Forks Creek	53N	02E	35		
139	Unnamed Stream	Forks Creek	53N	02E	35		
140	Unnamed Stream	Forks Creek	53N	02E	35		
141	Unnamed Stream	Forks Creek	53N	02E	35		
142	Winton Creek	Tepee Creek	53N	02E	35		
143	Mac Creek	Tepee Creek	53N	02E	36		
144	Drexall Spring	Plant Creek	52N	02E	15	NESW	

**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 94-09518A**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**



**Key to Features**

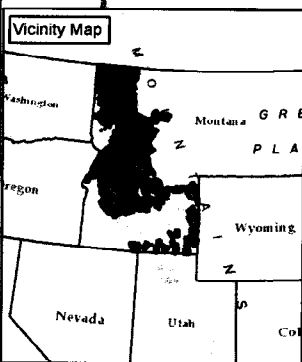
- State Boundary
- Formerly Kaniksu NF
- USFS Forest Boundary
- Non Forest Service Lands
- US Forest Service Lands

**Data Sources:**

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

0 15 30 60 90 Miles

1 inch = 35 miles



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