

**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. 95-17401A

**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 Yellowbanks Creek-Hayden Lake subwatershed (HUC12 170103050102).

**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	Three Forks Creek	Mokins Creek	51N	02W	10		
3	Two Forks Creek	Three Forks Creek	51N	02W	10		
4	Unnamed Stream	Three Forks Creek	51N	02W	10		
5	Mokins Creek	Lake Hayden	51N	02W	16		
6	Unnamed Stream	Yellowbanks Creek	51N	02W	16		
7	Unnamed Stream	Mokins Creek	51N	02W	16		
8	Unnamed Stream	Yellowbanks Creek	51N	02W	16		
9	Unnamed Stream	Mokins Creek	51N	02W	16		
10	Jim Creek	Lake Hayden	51N	02W	17		
11	Unnamed Stream	Yellowbanks Creek	51N	02W	17		
12	Unnamed Stream	Yellowbanks Creek	51N	02W	17		
13	Yellowbanks Creek	Lake Hayden	51N	02W	17		
14	Jim Creek	Lake Hayden	51N	02W	18	NENE	L 1
15	Unnamed Stream	Yellowbanks Creek	51N	02W	18	NESE	L 3
16	Unnamed Stream	Yellowbanks Creek	51N	02W	18	SENE	L 2
17	Unnamed Stream	Yellowbanks Creek	51N	02W	19		
18	Unnamed Stream	Yellowbanks Creek	51N	02W	20		
19	Unnamed Stream	Yellowbanks Creek	51N	02W	20		
20	Unnamed Stream	Yellowbanks Creek	51N	02W	20		
21	Yellowbanks Creek	Lake Hayden	51N	02W	20		
22	Yellowbanks Creek	Lake Hayden	51N	02W	21		
23	Two Forks Creek	Three Forks Creek	51N	02W	03		
24	Unnamed Stream	Colburn Creek	51N	03W	26		
25	Unnamed Stream	Windy Creek	51N	03W	28	NENE	
26	Unnamed Stream	Windy Creek	51N	03W	28	SENE	
27	Unnamed Stream	Nilsen Creek	52N	02W	32		
28	Unnamed Stream	Nilsen Creek	52N	02W	32		



**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 95-17401A**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

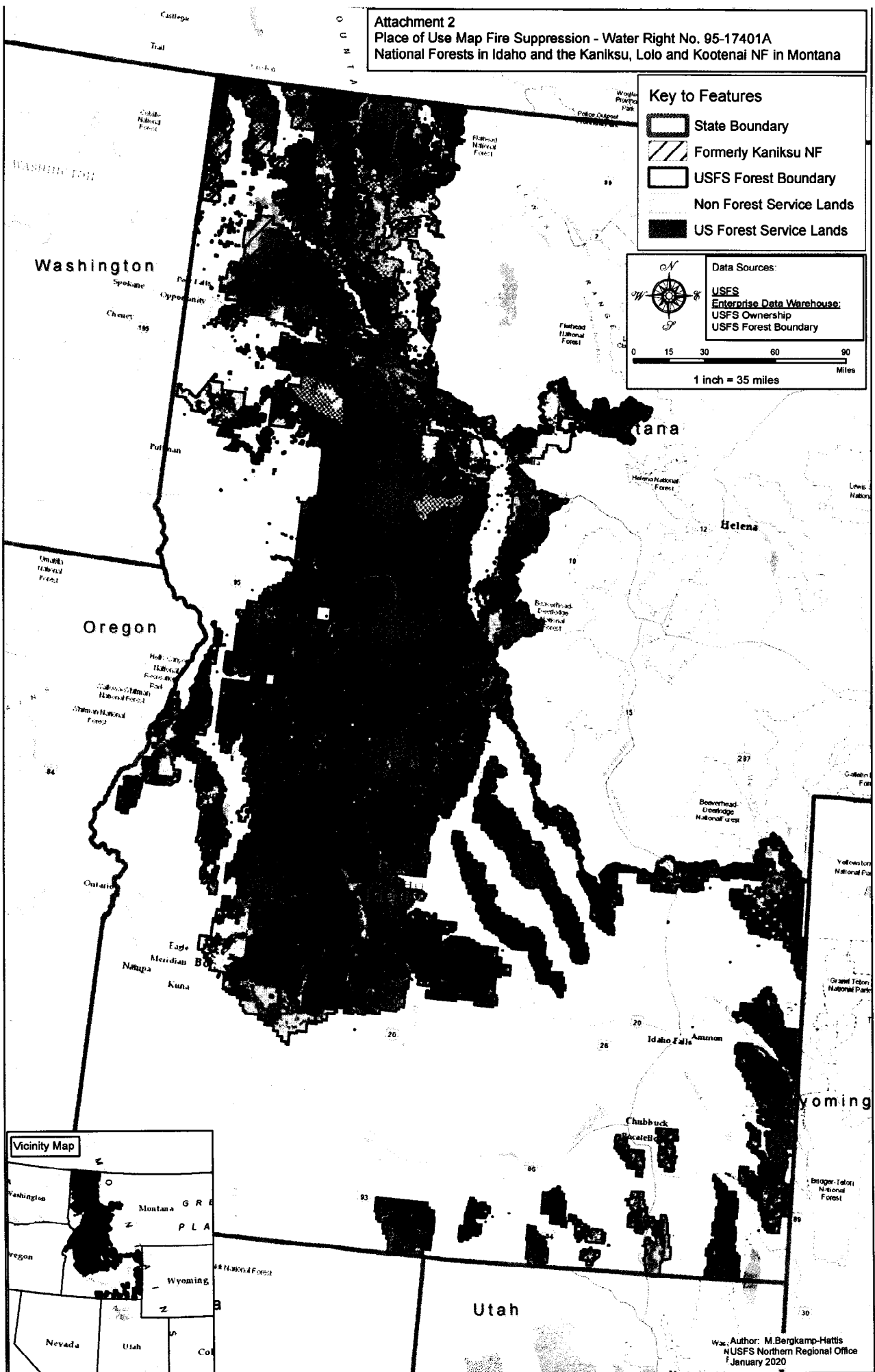
- State Boundary
- Formerly Kaniksu NF
- USFS Forest Boundary
- Non Forest Service Lands
- US Forest Service Lands

**Data Sources:**

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

1 inch = 35 miles



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