

**DISTRICT COURT - CSRBA**  
**Fifth Judicial District**  
**County of Twin Falls - State of Idaho**

**JUN 10 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. 91-07951C

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 Middle Marble Creek subwatershed (HUC12 170103040503).

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:	<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 Kaniksu, Lolo and Kootenai National Forests in Montana.

See Attachment 2.

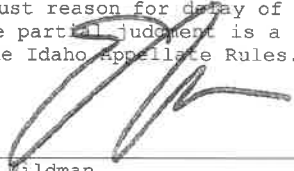
OTHER PROVISIONS NECESSARY FOR DEFINITON OR ADMINISTRATION OF THIS WATER RIGHT:

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	Unnamed Stream	Marble Creek	44N	03E	16	SWSW	
3	Unnamed Stream	Marble Creek	44N	03E	16	SWSW	
4	Unnamed Stream	Marble Creek	44N	03E	16	SWSW	
5	Eagle Creek	Marble Creek	44N	03E	17	NWNW	
6	Marble Creek	St. Joe River	44N	03E	17	NWSE	
7	Unnamed Stream	Marble Creek	44N	03E	17	NWSE	
8	Eagle Creek	Marble Creek	44N	03E	17	SENE	
9	Unnamed Stream	Marble Creek	44N	03E	17	SESE	
10	Eagle Creek	Marble Creek	44N	03E	17	SWNE	
11	Marble Creek	St. Joe River	44N	03E	17	SWNE	
12	Eagle Creek	Marble Creek	44N	03E	17	SWNW	
13	Marble Creek	St. Joe River	44N	03E	17	SWSE	
14	Shearer Creek	Marble Creek	44N	03E	17	SWSE	
15	Eagle Creek	Marble Creek	44N	03E	18		
16	Grouse Creek	Eagle Creek	44N	03E	18		
17	Unnamed Stream	Eagle Creek	44N	03E	18		
18	Unnamed Stream	Eagle Creek	44N	03E	18		
19	Unnamed Stream	Eagle Creek	44N	03E	18		
20	Unnamed Stream	Eagle Creek	44N	03E	18		
21	Unnamed Stream	Eagle Creek	44N	03E	18		
22	Unnamed Stream	Eagle Creek	44N	03E	18		
23	Unnamed Stream	Eagle Creek	44N	03E	18		
24	Unnamed Stream	Eagle Creek	44N	03E	18		
25	Unnamed Stream	Marble Creek	44N	03E	19		
26	Shearer Creek	Marble Creek	44N	03E	20	NENE	
27	Unnamed Stream	Shearer Creek	44N	03E	20	NENE	
28	Bussel Creek	Marble Creek	44N	03E	20	NESW	
29	Marble Creek	St. Joe River	44N	03E	20	NESW	
30	Marble Creek	St. Joe River	44N	03E	20	NWNE	
31	Marble Creek	St. Joe River	44N	03E	20	NWNE	
32	Shearer Creek	Marble Creek	44N	03E	20	NWNE	
33	Shearer Creek	Marble Creek	44N	03E	20	SENE	
34	Marble Creek	St. Joe River	44N	03E	20	SENE	
35	Unnamed Stream	Marble Creek	44N	03E	20	SENE	
36	Unnamed Stream	Marble Creek	44N	03E	20	SESE	
37	Marble Creek	St. Joe River	44N	03E	20	SESW	
38	Unnamed Stream	Marble Creek	44N	03E	20	SWNW	
39	Marble Creek	St. Joe River	44N	03E	20	SWSE	
40	Shearer Creek	Marble Creek	44N	03E	21		
41	Unnamed Stream	Marble Creek	44N	03E	21		
42	Unnamed Stream	Marble Creek	44N	03E	21		
43	Unnamed Stream	Shearer Creek	44N	03E	21		
44	Unnamed Stream	Shearer Creek	44N	03E	21		
45	Shearer Creek	Marble Creek	44N	03E	22	NWSW	
46	Davies Creek	Marble Creek	44N	03E	27	NESW	
47	Unnamed Stream	Davies Creek	44N	03E	27	NESW	
48	Unnamed Stream	Davies Creek	44N	03E	27	NWSW	
49	Unnamed Stream	Marble Creek	44N	03E	27	NWSW	
50	Davies Creek	Marble Creek	44N	03E	27	SESW	
51	Davies Creek	Marble Creek	44N	03E	27	SWSW	
52	Unnamed Stream	Davies Creek	44N	03E	27	SWSW	
53	Unnamed Stream	Marble Creek	44N	03E	27	SWSW	
54	Marble Creek	St. Joe River	44N	03E	28		
55	Unnamed Stream	Marble Creek	44N	03E	28		

## Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
56	Unnamed Stream	Marble Creek	44N	03E	28		
57	Unnamed Stream	Marble Creek	44N	03E	28		
58	Unnamed Stream	Marble Creek	44N	03E	28		
59	Cranberry Creek	Marble Creek	44N	03E	31	NWSE	
60	Unnamed Stream	Cranberry Creek	44N	03E	31	NWSE	
61	Cranberry Creek	Marble Creek	44N	03E	31	SENE	
62	Unnamed Stream	Cranberry Creek	44N	03E	31	SENE	
63	Unnamed Stream	Cranberry Creek	44N	03E	31	SESE	
64	Cranberry Creek	Marble Creek	44N	03E	31	SWSE	
65	Unnamed Stream	Cranberry Creek	44N	03E	31	SWSE	
66	Unnamed Stream	Cranberry Creek	44N	03E	31	SWSE	
67	Unnamed Stream	Cranberry Creek	44N	03E	32	NENE	
68	Unnamed Stream	Cranberry Creek	44N	03E	32	NESW	
69	Cranberry Creek	Marble Creek	44N	03E	32	NWNW	
70	Unnamed Stream	Cranberry Creek	44N	03E	32	NWSW	
71	Unnamed Stream	Cranberry Creek	44N	03E	32	SENE	
72	Unnamed Stream	Cranberry Creek	44N	03E	32	SENE	
73	Unnamed Stream	Cranberry Creek	44N	03E	32	SWNE	
74	Unnamed Stream	Cranberry Creek	44N	03E	32	SWNW	
75	Unnamed Stream	Cranberry Creek	44N	03E	32	SWSW	
76	Davies Creek	Marble Creek	44N	03E	33	NENE	
77	Marble Creek	St. Joe River	44N	03E	33	NESE	
78	Davies Creek	Marble Creek	44N	03E	33	NWNE	
79	Marble Creek	St. Joe River	44N	03E	33	NWNE	
80	Unnamed Stream	Marble Creek	44N	03E	33	NWNE	
81	Unnamed Stream	Marble Creek	44N	03E	33	NWNE	
82	Hobo Creek	Marble Creek	44N	03E	33	NWSE	
83	Hobo Creek	Marble Creek	44N	03E	33	SENE	
84	Marble Creek	St. Joe River	44N	03E	33	SENE	
85	Unnamed Stream	Marble Creek	44N	03E	33	SESE	
86	Hobo Creek	Marble Creek	44N	03E	33	SWNE	
87	Marble Creek	St. Joe River	44N	03E	33	SWNE	
88	Hobo Creek	Marble Creek	44N	03E	33	SWSE	
89	Unnamed Stream	Hobo Creek	44N	03E	33	SWSE	
90	Davies Creek	Marble Creek	44N	03E	34		
91	Marble Creek	St. Joe River	44N	03E	34		
92	Unnamed Stream	Marble Creek	44N	03E	34		
93	Unnamed Stream	Marble Creek	44N	03E	34		
94	Unnamed Stream	Marble Creek	44N	03E	34		
95	Unnamed Stream	Marble Creek	44N	03E	34		
96	Unnamed Stream	Marble Creek	44N	03E	34		
97	Unnamed Pond	Cranberry Creek	44N	03E	32		
98	Unnamed Marsh	Cranberry Creek	44N	03E	32		
99	Unnamed Marsh	Davies Creek	44N	03E	33		
100	Unnamed Marsh	Davies Creek	44N	03E	34		
101	Unnamed Marsh	Marble Creek	44N	03E	34		
102	Unnamed Marsh	Marble Creek	44N	03E	34		

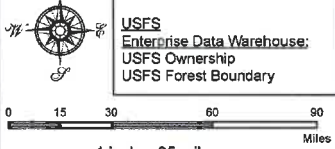
Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 91-07951C  
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

**Key to Features**

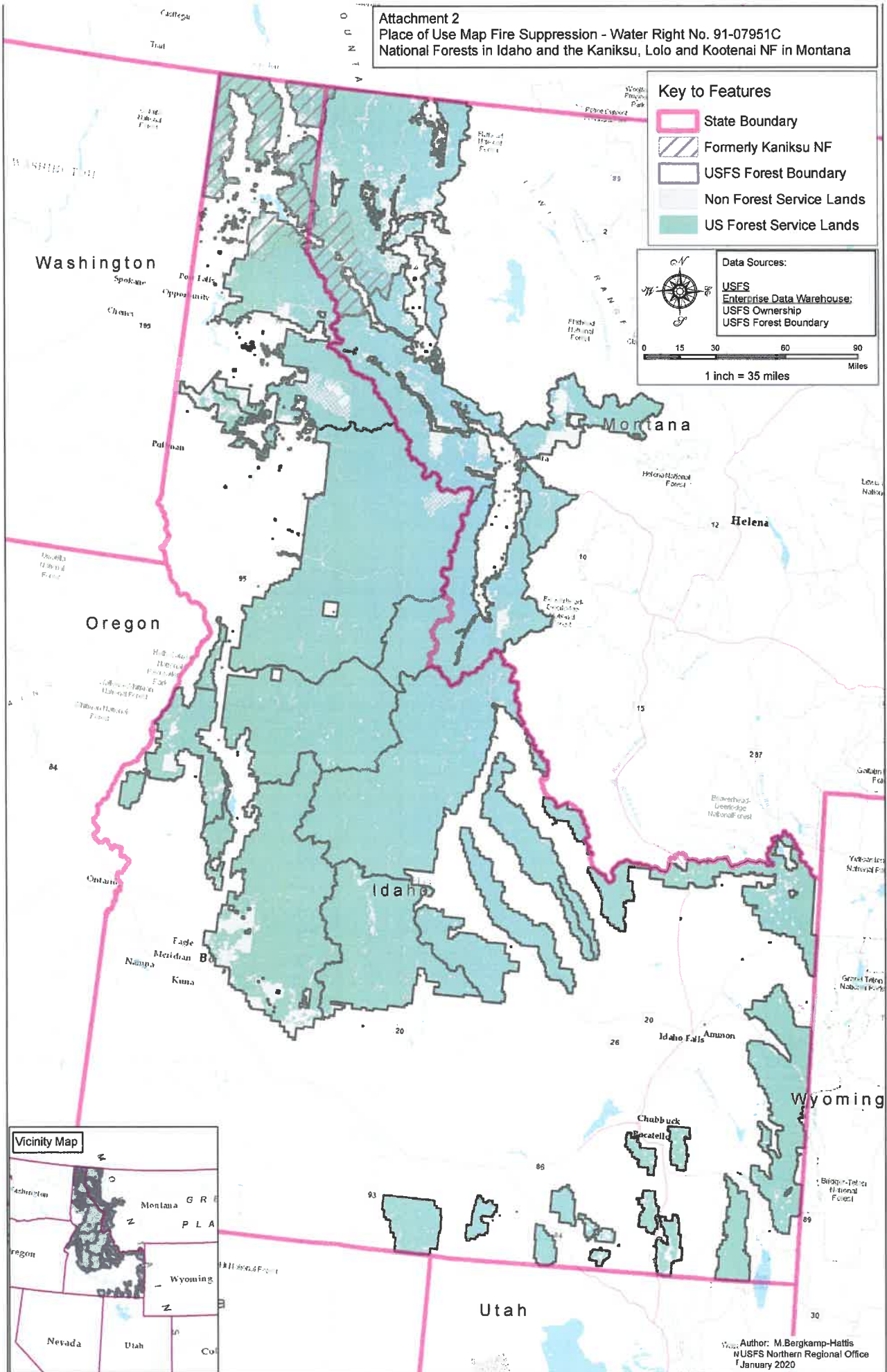
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**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