

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. 91-07955M

**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 Big Creek subwatershed (HUC12 170103040602).

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

**PRIORITY DATE:** 11/13/1945

**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.

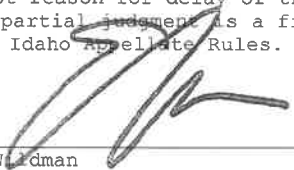
**OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:**

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. Waldman  
 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	East Fork Big Creek	Big Creek	46N	03E	1		
3	Unnamed Stream	East Fork Big Creek	46N	03E	1		
4	Unnamed Stream	East Fork Big Creek	46N	03E	1		
5	Unnamed Stream	East Fork Big Creek	46N	03E	1		
6	Unnamed Stream	East Fork Big Creek	46N	03E	1		
7	Unnamed Stream	East Fork Big Creek	46N	03E	1		
8	Unnamed Stream	East Fork Big Creek	46N	03E	1		
9	Unnamed Stream	East Fork Big Creek	46N	03E	1		
10	Unnamed Stream	East Fork Big Creek	46N	03E	1		
11	Unnamed Stream	East Fork Big Creek	46N	03E	1		
12	Unnamed Stream	East Fork Big Creek	46N	03E	1		
13	Donaldson Creek	East Fork Big Creek	46N	03E	3	NWNW	L 4
14	Unnamed Stream	Donaldson Creek	46N	03E	3	SESW	
15	Donaldson Creek	East Fork Big Creek	46N	03E	3	SWSW	
16	Miles Creek	Middle Fork Big Creek	46N	03E	5	NENE	L 1
17	Unnamed Stream	Miles Creek	46N	03E	5	NENE	L 1
18	Unnamed Stream	Big Creek	46N	03E	5	NWSE	
19	Unnamed Stream	Big Creek	46N	03E	5	NWSW	
20	Unnamed Stream	Big Creek	46N	03E	5	NWSW	
21	Unnamed Stream	Big Creek	46N	03E	5	NWSW	
22	Unnamed Stream	Big Creek	46N	03E	5	SWSW	
23	Unnamed Stream	Big Creek	46N	03E	5	SWSW	
24	Unnamed Stream	Big Creek	46N	03E	5	SWSW	
25	Unnamed Stream	Big Creek	46N	03E	5	SWSW	
26	Big Creek	St Joe River	46N	03E	7		
27	Cabin Creek	Big Creek	46N	03E	7		
28	Cameron Creek	Big Creek	46N	03E	7		
29	Pierce Creek	Big Creek	46N	03E	7		
30	Unnamed Stream	Big Creek	46N	03E	7		
31	Unnamed Stream	Big Creek	46N	03E	7		
32	Hall Creek	East Fork Big Creek	46N	03E	9	NESE	
33	Unnamed Stream	Hall Creek	46N	03E	9	NESE	
34	Unnamed Stream	Hall Creek	46N	03E	9	NESW	
35	Hall Creek	East Fork Big Creek	46N	03E	9	SENE	
36	Unnamed Stream	Hall Creek	46N	03E	9	SENE	
37	East Fork Big Creek	Big Creek	46N	03E	11		
38	Unnamed Stream	East Fork Big Creek	46N	03E	11		
39	Unnamed Stream	East Fork Big Creek	46N	03E	11		
40	Unnamed Stream	East Fork Big Creek	46N	03E	11		
41	Unnamed Stream	East Fork Big Creek	46N	03E	11		
42	Cabin Creek	Big Creek	46N	03E	17		
43	Unnamed Stream	Big Creek	46N	03E	17		
44	Unnamed Stream	Big Creek	46N	03E	17		
45	Unnamed Stream	Big Creek	46N	03E	17		
46	Unnamed Stream	Big Creek	46N	03E	17		
47	Unnamed Stream	Big Creek	46N	03E	17		
48	Unnamed Stream	Big Creek	46N	03E	17		
49	Unnamed Stream	Big Creek	46N	03E	17		
50	Big Creek	St Joe River	46N	03E	19		
51	Unnamed Stream	Big Creek	46N	03E	19		
52	Unnamed Stream	Big Creek	46N	03E	19		
53	Unnamed Stream	Big Creek	46N	03E	19		
54	Unnamed Stream	Big Creek	46N	03E	19		
55	Unnamed Stream	Big Creek	46N	03E	19		
56	Unnamed Stream	Big Creek	46N	03E	19		
57	Unnamed Stream	Flag Creek	46N	03E	19		
58	Jumbo Creek	Big Creek	46N	03E	21	NENW	
59	Unnamed Stream	Jumbo Creek	46N	03E	21	NENW	
60	Unnamed Stream	Jumbo Creek	46N	03E	21	NENW	

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
61	East Fork Big Creek	Big Creek	46N	03E	21	NESE	
62	Jumbo Creek	Big Creek	46N	03E	21	NESW	
63	Unnamed Stream	East Fork Big Creek	46N	03E	21	NESW	
64	Unnamed Stream	Jumbo Creek	46N	03E	21	NWNW	
65	Unnamed Stream	Jumbo Creek	46N	03E	21	NWNW	
66	Unnamed Stream	Jumbo Creek	46N	03E	21	NWNW	
67	East Fork Big Creek	Big Creek	46N	03E	21	NWSE	
68	Unnamed Stream	East Fork Big Creek	46N	03E	21	NWSE	
69	Jumbo Creek	Big Creek	46N	03E	21	NWSW	
70	Unnamed Stream	Jumbo Creek	46N	03E	21	NWSW	
71	Jumbo Creek	Big Creek	46N	03E	21	SENE	
72	Unnamed Stream	East Fork Big Creek	46N	03E	21	SESE	
73	Unnamed Stream	East Fork Big Creek	46N	03E	21	SESE	
74	East Fork Big Creek	Big Creek	46N	03E	21	SESW	
75	Unnamed Stream	East Fork Big Creek	46N	03E	21	SESW	
76	Unnamed Stream	Jumbo Creek	46N	03E	21	SWNW	
77	East Fork Big Creek	Big Creek	46N	03E	21	SWSE	
78	Unnamed Stream	East Fork Big Creek	46N	03E	21	SWSE	
79	Unnamed Stream	East Fork Big Creek	46N	03E	21	SWSE	
80	Unnamed Stream	East Fork Big Creek	46N	03E	21	SWSE	
81	Unnamed Stream	Jumbo Creek	46N	03E	21	SWSW	
82	Big Creek	St Joe River	46N	03E	29		
83	East Fork Big Creek	Big Creek	46N	03E	29		
84	Jumbo Creek	Big Creek	46N	03E	29		
85	Unnamed Stream	Big Creek	46N	03E	29		
86	Unnamed Stream	East Fork Big Creek	46N	03E	29		
87	Unnamed Stream	East Fork Big Creek	46N	03E	29		
88	Unnamed Stream	East Fork Big Creek	46N	03E	29		
89	Unnamed Stream	East Fork Big Creek	46N	03E	29		
90	Unnamed Stream	East Fork Big Creek	46N	03E	29		
91	Unnamed Stream	East Fork Big Creek	46N	03E	29		
92	Unnamed Stream	East Fork Big Creek	46N	03E	29		
93	Unnamed Stream	Jumbo Creek	46N	03E	29		
94	Unnamed Stream	East Fork Big Creek	46N	03E	33		

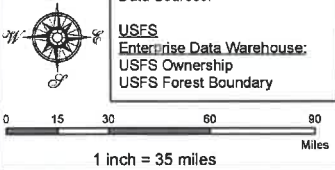
**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 91-07955M**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

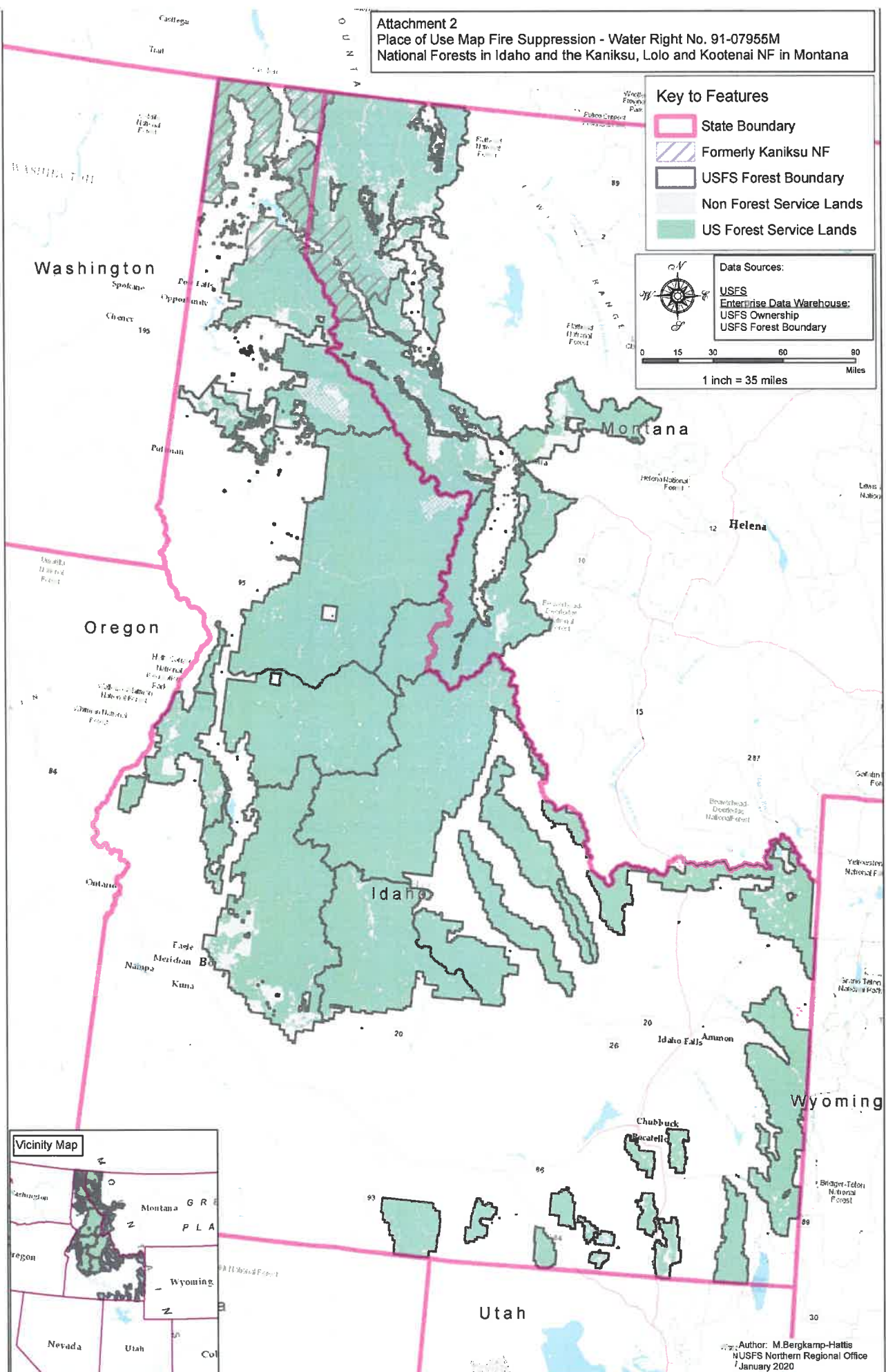
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**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  
 NUSFS Northern Regional Office  
 January 2020