

**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)  
 ) FOR FEDERAL RESERVED  
 Case No. 49576 )  
 ) WATER RIGHT NO. 94-09516A

**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 Trail Creek subwatershed (HUC12 170103010202).

**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.

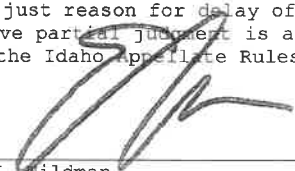
**OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:**

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.

  
 \_\_\_\_\_  
 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	South Fork Potter Creek	Potter Creek	51N	01E	5		
3	Unnamed Stream	Potter Creek	51N	01E	5		
4	Unnamed Stream	South Fork Potter Creek	51N	01E	5		
5	South Fork Potter Creek	Potter Creek	51N	01E	6		
6	Unnamed Stream	South Fork Potter Creek	51N	01E	6		
7	Unnamed Stream	South Fork Potter Creek	51N	01E	6		
8	Unnamed Stream	Bear Creek	52N	01E	1		
9	Unnamed Stream	Callis Creek	52N	01E	7		
10	Unnamed Stream	Callis Creek	52N	01E	7		
11	Unnamed Stream	Callis Creek	52N	01E	8		
12	Unnamed Stream	Callis Creek	52N	01E	8		
13	Unnamed Stream	Callis Creek	52N	01E	8		
14	Hamilton Creek	Trail Creek	52N	01E	9		
15	North Fork Callis Creek	Callis Creek	52N	01E	9		
16	Unnamed Stream	Hamilton Creek	52N	01E	9		
17	Dresser Creek	Trail Creek	52N	01E	10		
18	Hamilton Creek	Trail Creek	52N	01E	10		
19	Unnamed Stream	Hamilton Creek	52N	01E	10		
20	Bear Creek	Trail Creek	52N	01E	11		
21	Unnamed Stream	Dresser Creek	52N	01E	11		
22	Unnamed Stream	Dresser Creek	52N	01E	11		
23	Unnamed Stream	Dresser Creek	52N	01E	11		
24	Bear Creek	Trail Creek	52N	01E	12		
25	Unnamed Stream	Bear Creek	52N	01E	12		
26	Unnamed Stream	Bear Creek	52N	01E	12		
27	Bear Creek	Trail Creek	52N	01E	13		
28	Unnamed Stream	Bear Creek	52N	01E	13		
29	Unnamed Stream	West Bear Creek	52N	01E	13		
30	Unnamed Stream	West Bear Creek	52N	01E	13		
31	West Bear Creek	Bear Creek	52N	01E	13		
32	Unnamed Stream	West Bear Creek	52N	01E	14	NENE	
33	West Bear Creek	Bear Creek	52N	01E	14	NENE	
34	Dresser Creek	Trail Creek	52N	01E	14	NENW	
35	Unnamed Stream	Dresser Creek	52N	01E	14	NENW	
36	Unnamed Stream	West Bear Creek	52N	01E	14	NESE	
37	Dresser Creek	Trail Creek	52N	01E	14	NESW	
38	Unnamed Stream	Dresser Creek	52N	01E	14	NWNE	
39	Dresser Creek	Trail Creek	52N	01E	14	NWNW	
40	Unnamed Stream	Dresser Creek	52N	01E	14	NWNW	
41	Unnamed Stream	Dresser Creek	52N	01E	14	NWNW	
42	Unnamed Stream	West Bear Creek	52N	01E	14	NWSE	
43	Unnamed Stream	West Bear Creek	52N	01E	14	SENE	
44	Dresser Creek	Trail Creek	52N	01E	14	SENW	
45	Unnamed Stream	Dresser Creek	52N	01E	14	SENW	
46	Unnamed Stream	Trail Creek	52N	01E	14	SESE	
47	Unnamed Stream	West Bear Creek	52N	01E	14	SESE	
48	Unnamed Stream	West Bear Creek	52N	01E	14	SWNE	
49	Unnamed Stream	Trail Creek	52N	01E	14	SWNW	
50	Dresser Creek	Trail Creek	52N	01E	15	NENE	
51	Hamilton Creek	Trail Creek	52N	01E	15	NENW	
52	Unnamed Stream	Trail Creek	52N	01E	15	NESE	
53	Hamilton Creek	Trail Creek	52N	01E	15	NESW	
54	Hamilton Creek	Trail Creek	52N	01E	15	NWNW	
55	Unnamed Stream	Hamilton Creek	52N	01E	15	NWNW	
56	Unnamed Stream	Trail Creek	52N	01E	15	SENE	
57	Hamilton Creek	Trail Creek	52N	01E	15	SENW	
58	Unnamed Stream	Trail Creek	52N	01E	15	SWSW	
59	Unnamed Stream	Callis Creek	52N	01E	17	NESW	
60	Unnamed Stream	Callis Creek	52N	01E	17	NWNE	
61	Unnamed Stream	Callis Creek	52N	01E	17	NWNW	
62	Unnamed Stream	Callis Creek	52N	01E	17	NWNW	
63	Unnamed Stream	Callis Creek	52N	01E	17	NWSE	
64	Unnamed Stream	Callis Creek	52N	01E	17	SWNE	

Attachment 1






	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
65	Unnamed Stream	Callis Creek	52N	01E	17	SWNW	
66	Callis Creek	Trail Creek	52N	01E	18		
67	Unnamed Stream	Callis Creek	52N	01E	18		
68	Unnamed Stream	Callis Creek	52N	01E	18		
69	Unnamed Stream	Callis Creek	52N	01E	18		
70	Unnamed Stream	Callis Creek	52N	01E	18		
71	Unnamed Stream	Callis Creek	52N	01E	18		
72	Unnamed Stream	Callis Creek	52N	01E	18		
73	Unnamed Stream	Callis Creek	52N	01E	18		
74	Unnamed Stream	Callis Creek	52N	01E	19		
75	Unnamed Stream	Stewart Creek	52N	01E	19		
76	Unnamed Stream	Stewart Creek	52N	01E	19		
77	Unnamed Stream	Stewart Creek	52N	01E	19		
78	Callis Creek	Trail Creek	52N	01E	20	NENE	
79	Unnamed Stream	Callis Creek	52N	01E	20	NENE	
80	Unnamed Stream	Stewart Creek	52N	01E	20	NESE	
81	Unnamed Stream	Stewart Creek	52N	01E	20	NWSW	
82	Unnamed Stream	Stewart Creek	52N	01E	20	SESE	
83	Unnamed Stream	Stewart Creek	52N	01E	20	SESW	
84	Unnamed Stream	Stewart Creek	52N	01E	20	SWSW	
85	Callis Creek	Trail Creek	52N	01E	21	NESW	
86	Callis Creek	Trail Creek	52N	01E	21	NWNW	
87	North Fork Callis Creek	Callis Creek	52N	01E	21	NWNW	
88	Callis Creek	Trail Creek	52N	01E	21	SENW	
89	Unnamed Stream	Callis Creek	52N	01E	21	SESW	
90	Callis Creek	Trail Creek	52N	01E	21	SWNW	
91	Unnamed Stream	Callis Creek	52N	01E	21	SWSW	
92	Trail Creek	Tepee Creek	52N	01E	22	NESW	
93	Trail Creek	Tepee Creek	52N	01E	22	NWNE	
94	Unnamed Stream	Trail Creek	52N	01E	22	NWNW	
95	Trail Creek	Tepee Creek	52N	01E	22	SENW	
96	Unnamed Stream	Trail Creek	52N	01E	22	SENW	
97	Unnamed Stream	Trail Creek	52N	01E	23	NENE	
98	Trail Creek	Tepee Creek	52N	01E	23	NESE	
99	Unnamed Stream	Trail Creek	52N	01E	23	NWNE	
100	Trail Creek	Tepee Creek	52N	01E	23	NWSE	
101	Unnamed Stream	Trail Creek	52N	01E	23	NWSE	
102	Trail Creek	Tepee Creek	52N	01E	23	SWNE	
103	Unnamed Stream	Trail Creek	52N	01E	23	SWNE	
104	Bear Creek	Trail Creek	52N	01E	24	NENE	
105	West Bear Creek	Bear Creek	52N	01E	24	NENE	
106	Trail Creek	Tepee Creek	52N	01E	24	NESE	
107	West Bear Creek	Bear Creek	52N	01E	24	NWNE	
108	Unnamed Stream	Trail Creek	52N	01E	24	NWNW	
109	Trail Creek	Tepee Creek	52N	01E	24	NWSW	
110	Bear Creek	Trail Creek	52N	01E	24	SENE	
111	Trail Creek	Tepee Creek	52N	01E	24	SENE	
112	Unnamed Stream	Trail Creek	52N	01E	24	SENW	
113	Unnamed Stream	Trail Creek	52N	01E	24	SWNW	
114	Trail Creek	Tepee Creek	52N	01E	24	SWSE	
115	Unnamed Stream	Trail Creek	52N	01E	27	NENE	
116	Unnamed Stream	Trail Creek	52N	01E	27	NESW	
117	Unnamed Stream	Trail Creek	52N	01E	27	NWNE	
118	Unnamed Stream	Trail Creek	52N	01E	27	NWSE	
119	Unnamed Stream	Trail Creek	52N	01E	27	NWSW	
120	Unnamed Stream	Trail Creek	52N	01E	27	SENW	
121	Unnamed Stream	Trail Creek	52N	01E	27	SWSW	
122	Callis Creek	Trail Creek	52N	01E	28	NENE	
123	Potter Creek	Trail Creek	52N	01E	28	NESW	
124	Stewart Creek	Potter Creek	52N	01E	28	NESW	
125	Unnamed Stream	Stewart Creek	52N	01E	28	NESW	
126	Stewart Creek	Potter Creek	52N	01E	28	NWSW	
127	Potter Creek	Trail Creek	52N	01E	28	SESW	

# Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
128	Stewart Creek	Potter Creek	52N	01E	28	SESW	
129	Unnamed Stream	Stewart Creek	52N	01E	28	SESW	
130	Unnamed Stream	Stewart Creek	52N	01E	28	SWSW	
131	Stewart Creek	Potter Creek	52N	01E	29		
132	Unnamed Stream	Stewart Creek	52N	01E	29		
133	Unnamed Stream	Stewart Creek	52N	01E	29		
134	Unnamed Stream	Stewart Creek	52N	01E	29		
135	Unnamed Stream	Stewart Creek	52N	01E	29		
136	Unnamed Stream	Stewart Creek	52N	01E	29		
137	Stewart Creek	Potter Creek	52N	01E	30		
138	Unnamed Stream	Potter Creek	52N	01E	30		
139	Unnamed Stream	Stewart Creek	52N	01E	30		
140	Unnamed Stream	Stewart Creek	52N	01E	30		
141	Unnamed Stream	Stewart Creek	52N	01E	30		
142	Unnamed Stream	Stewart Creek	52N	01E	30		
143	Unnamed Stream	Stewart Creek	52N	01E	30		
144	Potter Creek	Trail Creek	52N	01E	31		
145	Unnamed Stream	Potter Creek	52N	01E	31		
146	Potter Creek	Trail Creek	52N	01E	32	NESE	
147	Unnamed Stream	Potter Creek	52N	01E	32	NESE	
148	Unnamed Stream	Potter Creek	52N	01E	32	NESE	
149	Potter Creek	Trail Creek	52N	01E	32	NESW	
150	Unnamed Stream	Potter Creek	52N	01E	32	NESW	
151	Potter Creek	Trail Creek	52N	01E	32	NWSE	
152	Unnamed Stream	Potter Creek	52N	01E	32	NWSE	
153	Potter Creek	Trail Creek	52N	01E	32	NWSW	
154	Unnamed Stream	Potter Creek	52N	01E	32	SENW	
155	Unnamed Stream	Potter Creek	52N	01E	32	SESE	
156	Potter Creek	Trail Creek	52N	01E	32	SESW	
157	South Fork Potter Creek	Potter Creek	52N	01E	32	SESW	
158	Potter Creek	Trail Creek	52N	01E	32	SWSE	
159	Unnamed Stream	Potter Creek	52N	01E	33	NESW	
160	Unnamed Stream	Potter Creek	52N	01E	33	NWNE	
161	Potter Creek	Trail Creek	52N	01E	33	NWSW	
162	Unnamed Stream	Potter Creek	52N	01E	33	SWNE	
163	Callis Creek	Trail Creek	52N	01W	13		
164	Unnamed Stream	Callis Creek	52N	01W	13		
165	Unnamed Stream	Callis Creek	52N	01W	13		
166	Unnamed Stream	Stewart Creek	52N	01W	23		
167	Unnamed Stream	Callis Creek	52N	01W	24		
168	Unnamed Stream	Stewart Creek	52N	01W	24		
169	Unnamed Stream	Stewart Creek	52N	01W	24		
170	Unnamed Stream	Stewart Creek	52N	01W	24		
171	Unnamed Stream	Stewart Creek	52N	01W	24		
172	Stewart Creek	Potter Creek	52N	01W	25		
173	Unnamed Stream	Stewart Creek	52N	01W	25		
174	Unnamed Stream	Stewart Creek	52N	01W	25		
175	Unnamed Stream	Stewart Creek	52N	01W	25		
176	Unnamed Stream	Stewart Creek	52N	01W	25		
177	Stewart Creek	Potter Creek	52N	01W	26		
178	Unnamed Stream	Stewart Creek	52N	01W	26		
179	Unnamed Stream	Stewart Creek	52N	01W	26		
180	Potter Creek	Trail Creek	52N	01W	36		
181	Unnamed Stream	Potter Creek	52N	01W	36		
182	Unnamed Stream	Potter Creek	52N	01W	36		
183	Trail Creek	Tepee Creek	52N	02E	19	SENW	
184	Trail Creek	Tepee Creek	52N	02E	19	SWNE	
185	Bear Creek	Trail Creek	52N	02E	19	SWNW	L 2
186	Trail Creek	Tepee Creek	52N	02E	19	SWNW	L 2
187	Unnamed Spring	Stewart Creek	52N	01W	26	SESE	

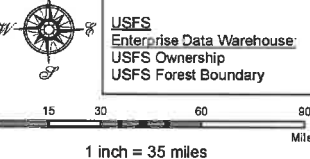
**Attachment 2**  
**Place of Use Map Fire Suppression - Water Right No. 94-09516A**  
**National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana**

**Key to Features**

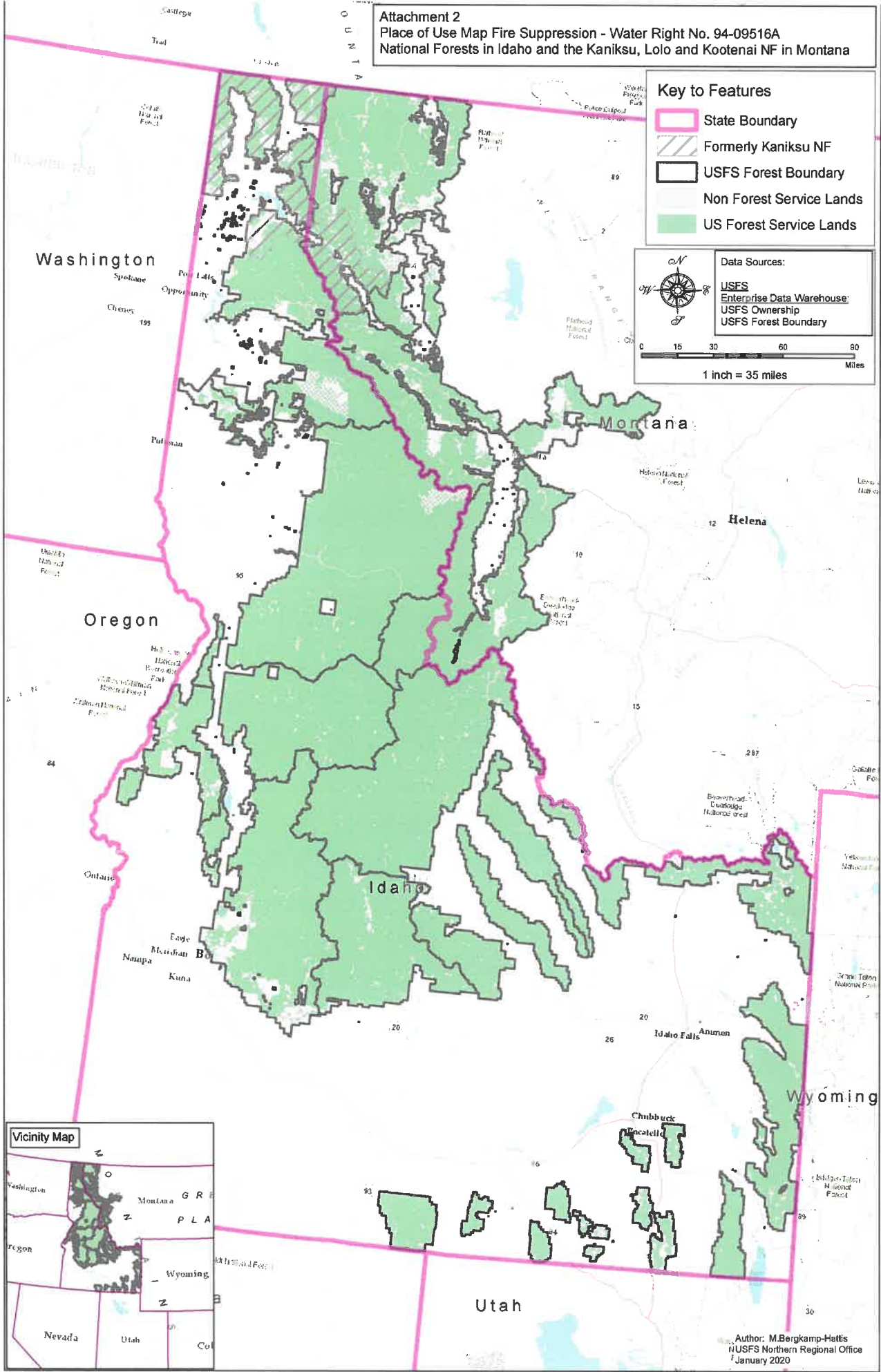
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**Data Sources:**

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



0 15 30 60 80 Miles  
 1 inch = 35 miles



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