

**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. 95-17401E

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: 10/21/1976

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.

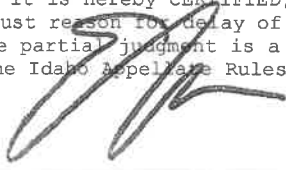
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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	Yellowbanks Creek	51N	02W	18	NESE	L 3
3	Jim Creek	Lake Hayden	51N	03W	13	NENE	
4	Unnamed Stream	Yellowbanks Creek	51N	03W	13	NESE	
5	Yellowbanks Creek	Lake Hayden	51N	03W	13	NESE	
6	Unnamed Stream	Yellowbanks Creek	51N	03W	13	NESW	
7	Unnamed Stream	Yellowbanks Creek	51N	03W	13	NESW	
8	Yellowbanks Creek	Lake Hayden	51N	03W	13	NESW	
9	Jim Creek	Lake Hayden	51N	03W	13	NWNE	
10	Unnamed Stream	Yellowbanks Creek	51N	03W	13	NWSE	
11	Yellowbanks Creek	Lake Hayden	51N	03W	13	NWSE	
12	Yellowbanks Creek	Lake Hayden	51N	03W	13	NWSW	
13	Unnamed Stream	Yellowbanks Creek	51N	03W	13	SENE	
14	Jim Creek	Lake Hayden	51N	03W	13	SENW	
15	Yellowbanks Creek	Lake Hayden	51N	03W	13	SESE	
16	Unnamed Stream	Yellowbanks Creek	51N	03W	13	SESW	
17	Yellowbanks Creek	Lake Hayden	51N	03W	13	SESW	
18	Jim Creek	Lake Hayden	51N	03W	13	SWNE	
19	Jim Creek	Lake Hayden	51N	03W	13	SWNW	
20	Yellowbanks Creek	Lake Hayden	51N	03W	13	SWSW	

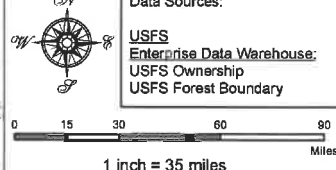
Attachment 2  
 Place of Use Map Fire Suppression - Water Right No. 95-17401E  
 National Forests in Idaho and the Kaniku, Lolo and Kootenai NF in Montana

**Key to Features**

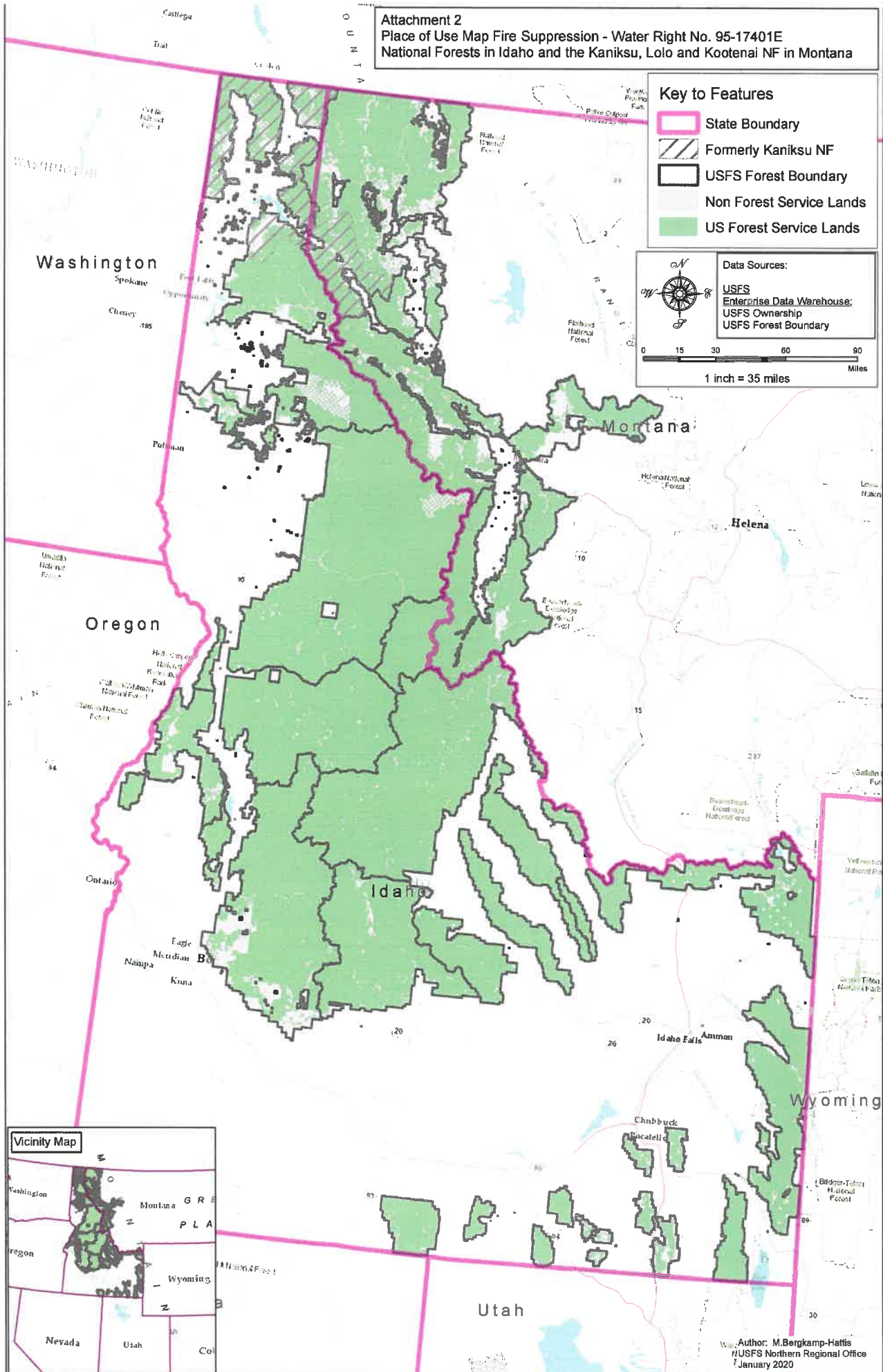
-  State Boundary
-  Formerly Kaniku NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

**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  
 USFS Northern Regional Office  
 January 2020