

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. 94-09519A

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 Upper Shoshone Creek subwatershed (HUC12 170103010301).

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:

| | |
|---------------------------------|----------------------|
| <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 | Shoshone Creek | North Fork Coeur d'Alene River | 51N | 04E | 4 | NESW | |
| 3 | Unnamed Stream | Shoshone Creek | 51N | 04E | 4 | NESW | |
| 4 | Unnamed Stream | Shoshone Creek | 51N | 04E | 4 | NESW | |
| 5 | Pipe Creek | Shoshone Creek | 51N | 04E | 4 | NWNE | L 2 |
| 6 | Shoshone Creek | North Fork Coeur d'Alene River | 51N | 04E | 4 | NWNE | L 2 |
| 7 | Shoshone Creek | North Fork Coeur d'Alene River | 51N | 04E | 4 | SENE | |
| 8 | Unnamed Stream | Shoshone Creek | 51N | 04E | 4 | SENE | |
| 9 | Shoshone Creek | North Fork Coeur d'Alene River | 51N | 04E | 4 | SESE | |
| 10 | Unnamed Stream | Shoshone Creek | 51N | 04E | 5 | | |
| 11 | Unnamed Stream | Shoshone Creek | 51N | 04E | 5 | | |
| 12 | Unnamed Stream | Shoshone Creek | 51N | 04E | 5 | | |
| 13 | Unnamed Stream | Shoshone Creek | 51N | 04E | 6 | | |
| 14 | Unnamed Stream | Shoshone Creek | 51N | 04E | 6 | | |
| 15 | Falls Creek | Shoshone Creek | 51N | 04E | 9 | | |
| 16 | Shoshone Creek | North Fork Coeur d'Alene River | 51N | 04E | 9 | | |
| 17 | Unnamed Stream | Shoshone Creek | 51N | 04E | 9 | | |
| 18 | Unnamed Stream | Shoshone Creek | 51N | 04E | 9 | | |
| 19 | Unnamed Stream | Shoshone Creek | 51N | 04E | 9 | | |
| 20 | Hemlock Creek | Shoshone Creek | 52N | 03E | 1 | | |
| 21 | Unnamed Stream | Hemlock Creek | 52N | 03E | 1 | | |
| 22 | Unnamed Stream | Hemlock Creek | 52N | 03E | 1 | | |
| 23 | Unnamed Stream | Little Lost Fork | 52N | 03E | 1 | | |
| 24 | Unnamed Stream | Little Lost Fork | 52N | 03E | 1 | | |
| 25 | Unnamed Stream | Shoshone Creek | 52N | 03E | 1 | | |
| 26 | Unnamed Stream | Shoshone Creek | 52N | 03E | 1 | | |
| 27 | Unnamed Stream | Shoshone Creek | 52N | 03E | 1 | | |
| 28 | Hemlock Creek | Shoshone Creek | 52N | 03E | 2 | | |
| 29 | Unnamed Stream | Hemlock Creek | 52N | 03E | 2 | | |
| 30 | Unnamed Stream | Hemlock Creek | 52N | 03E | 2 | | |
| 31 | Unnamed Stream | Hemlock Creek | 52N | 03E | 2 | | |
| 32 | Unnamed Stream | Little Lost Fork | 52N | 03E | 2 | | |
| 33 | Unnamed Stream | Little Lost Fork | 52N | 03E | 2 | | |
| 34 | Little Lost Fork | Shoshone Creek | 52N | 03E | 11 | | |
| 35 | Unnamed Stream | Little Lost Fork | 52N | 03E | 11 | | |
| 36 | Unnamed Stream | Little Lost Fork | 52N | 03E | 11 | | |
| 37 | Unnamed Stream | Little Lost Fork | 52N | 03E | 11 | | |
| 38 | Little Lost Fork | Shoshone Creek | 52N | 03E | 12 | | |
| 39 | Unnamed Stream | Little Lost Fork | 52N | 03E | 12 | | |
| 40 | Unnamed Stream | Little Lost Fork | 52N | 03E | 12 | | |
| 41 | Unnamed Stream | Little Lost Fork | 52N | 03E | 12 | | |
| 42 | Unnamed Stream | Little Lost Fork | 52N | 03E | 12 | | |
| 43 | Unnamed Stream | Little Lost Fork | 52N | 03E | 12 | | |
| 44 | Unnamed Stream | Shoshone Creek | 52N | 03E | 12 | | |
| 45 | Unnamed Stream | Shoshone Creek | 52N | 03E | 12 | | |
| 46 | Sentinel Creek | Shoshone Creek | 52N | 03E | 13 | | |
| 47 | Unnamed Stream | Little Lost Fork | 52N | 03E | 13 | | |
| 48 | Unnamed Stream | Sentinel Creek | 52N | 03E | 13 | | |
| 49 | Unnamed Stream | Sentinel Creek | 52N | 03E | 13 | | |
| 50 | Unnamed Stream | Sentinel Creek | 52N | 03E | 13 | | |
| 51 | Little Lost Fork | Shoshone Creek | 52N | 03E | 14 | | |
| 52 | Unnamed Stream | Little Lost Fork | 52N | 03E | 14 | | |
| 53 | Unnamed Stream | Sentinel Creek | 52N | 03E | 14 | | |
| 54 | Sentinel Creek | Shoshone Creek | 52N | 03E | 23 | | |
| 55 | Unnamed Stream | Sentinel Creek | 52N | 03E | 23 | | |
| 56 | Unnamed Stream | Shoshone Creek | 52N | 03E | 23 | | |
| 57 | Camp Creek | Shoshone Creek | 52N | 03E | 24 | | |
| 58 | Sentinel Creek | Shoshone Creek | 52N | 03E | 24 | | |
| 59 | Unnamed Stream | Shoshone Creek | 52N | 03E | 24 | | |
| 60 | Unnamed Stream | Shoshone Creek | 52N | 03E | 25 | | |
| 61 | Unnamed Stream | Shoshone Creek | 52N | 03E | 25 | | |
| 62 | Unnamed Stream | Shoshone Creek | 52N | 03E | 25 | | |
| 63 | Unnamed Stream | Shoshone Creek | 52N | 03E | 26 | | |
| 64 | Pine Flat Creek | Shoshone Creek | 52N | 03E | 36 | | |
| 65 | Clinton Creek | Shoshone Creek | 52N | 04E | 4 | | |
| 66 | Ulm Creek | Shoshone Creek | 52N | 04E | 4 | | |
| 67 | Unnamed Stream | Clinton Creek | 52N | 04E | 4 | | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|------------------|--------------------------------|----------|-------|---------|----|------------------------|
| 1 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 68 | Ulm Creek | Shoshone Creek | 52N | 04E | 5 | | |
| 69 | Unnamed Stream | Ulm Creek | 52N | 04E | 5 | | |
| 70 | Unnamed Stream | Ulm Creek | 52N | 04E | 5 | | |
| 71 | Unnamed Stream | Ulm Creek | 52N | 04E | 5 | | |
| 72 | Hemlock Creek | Shoshone Creek | 52N | 04E | 6 | | |
| 73 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 6 | | |
| 74 | Tent Creek | Shoshone Creek | 52N | 04E | 6 | | |
| 75 | Unnamed Stream | Shoshone Creek | 52N | 04E | 6 | | |
| 76 | Unnamed Stream | Shoshone Creek | 52N | 04E | 6 | | |
| 77 | Unnamed Stream | Shoshone Creek | 52N | 04E | 6 | | |
| 78 | Unnamed Stream | Shoshone Creek | 52N | 04E | 6 | | |
| 79 | Unnamed Stream | Shoshone Creek | 52N | 04E | 6 | | |
| 80 | Unnamed Stream | Shoshone Creek | 52N | 04E | 6 | | |
| 81 | Unnamed Stream | Shoshone Creek | 52N | 04E | 6 | | |
| 82 | Little Lost Fork | Shoshone Creek | 52N | 04E | 7 | | |
| 83 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 7 | | |
| 84 | Tent Creek | Shoshone Creek | 52N | 04E | 7 | | |
| 85 | Ulm Creek | Shoshone Creek | 52N | 04E | 7 | | |
| 86 | Unnamed Stream | Shoshone Creek | 52N | 04E | 7 | | |
| 87 | Unnamed Stream | Shoshone Creek | 52N | 04E | 7 | | |
| 88 | Clinton Creek | Shoshone Creek | 52N | 04E | 8 | | |
| 89 | Ulm Creek | Shoshone Creek | 52N | 04E | 8 | | |
| 90 | Unnamed Stream | Clinton Creek | 52N | 04E | 8 | | |
| 91 | Unnamed Stream | Clinton Creek | 52N | 04E | 8 | | |
| 92 | Windfall Creek | Shoshone Creek | 52N | 04E | 8 | | |
| 93 | Clinton Creek | Shoshone Creek | 52N | 04E | 9 | | |
| 94 | Unnamed Stream | Clinton Creek | 52N | 04E | 9 | | |
| 95 | Unnamed Stream | Clinton Creek | 52N | 04E | 9 | | |
| 96 | Unnamed Stream | Clinton Creek | 52N | 04E | 9 | | |
| 97 | Unnamed Stream | Clinton Creek | 52N | 04E | 9 | | |
| 98 | Rampike Creek | Shoshone Creek | 52N | 04E | 10 | | |
| 99 | Unnamed Stream | Rampike Creek | 52N | 04E | 10 | | |
| 100 | Cabin Creek | Shoshone Creek | 52N | 04E | 14 | | |
| 101 | Rampike Creek | Shoshone Creek | 52N | 04E | 15 | | |
| 102 | Unnamed Stream | Rampike Creek | 52N | 04E | 15 | | |
| 103 | Unnamed Stream | Rampike Creek | 52N | 04E | 15 | | |
| 104 | Unnamed Stream | Rampike Creek | 52N | 04E | 15 | | |
| 105 | Unnamed Stream | Rampike Creek | 52N | 04E | 15 | | |
| 106 | Rampike Creek | Shoshone Creek | 52N | 04E | 16 | | |
| 107 | Unnamed Stream | Clinton Creek | 52N | 04E | 16 | | |
| 108 | Unnamed Stream | Clinton Creek | 52N | 04E | 16 | | |
| 109 | Clinton Creek | Shoshone Creek | 52N | 04E | 17 | | |
| 110 | Unnamed Stream | Clinton Creek | 52N | 04E | 17 | | |
| 111 | Unnamed Stream | Clinton Creek | 52N | 04E | 17 | | |
| 112 | Unnamed Stream | Shoshone Creek | 52N | 04E | 17 | | |
| 113 | Windfall Creek | Shoshone Creek | 52N | 04E | 17 | | |
| 114 | Little Lost Fork | Shoshone Creek | 52N | 04E | 18 | | |
| 115 | Sentinel Creek | Shoshone Creek | 52N | 04E | 18 | | |
| 116 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 18 | | |
| 117 | Ulm Creek | Shoshone Creek | 52N | 04E | 18 | | |
| 118 | Unnamed Stream | Sentinel Creek | 52N | 04E | 18 | | |
| 119 | Unnamed Stream | Shoshone Creek | 52N | 04E | 18 | | |
| 120 | Unnamed Stream | Shoshone Creek | 52N | 04E | 18 | | |
| 121 | Windfall Creek | Shoshone Creek | 52N | 04E | 18 | | |
| 122 | Camp Creek | Shoshone Creek | 52N | 04E | 19 | | |
| 123 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 19 | | |
| 124 | Unnamed Stream | Camp Creek | 52N | 04E | 19 | | |
| 125 | Unnamed Stream | Shoshone Creek | 52N | 04E | 19 | | |
| 126 | Unnamed Stream | Shoshone Creek | 52N | 04E | 19 | | |
| 127 | Clinton Creek | Shoshone Creek | 52N | 04E | 20 | | |
| 128 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 20 | | |
| 129 | Unnamed Stream | Clinton Creek | 52N | 04E | 20 | | |
| 130 | Unnamed Stream | Shoshone Creek | 52N | 04E | 20 | | |
| 131 | Rampike Creek | Shoshone Creek | 52N | 04E | 21 | | |
| 132 | Unnamed Stream | Cabin Creek | 52N | 04E | 21 | | |
| 133 | Unnamed Stream | Clinton Creek | 52N | 04E | 21 | | |

Attachment 1






| | A | B | C | D | E | F | G |
|-----|------------------------|--------------------------------|----------|-------|---------|------|------------------------|
| 1 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 134 | Cabin Creek | Shoshone Creek | 52N | 04E | 22 | | |
| 135 | South Fork Cabin Creek | Cabin Creek | 52N | 04E | 22 | | |
| 136 | Unnamed Stream | Cabin Creek | 52N | 04E | 22 | | |
| 137 | Unnamed Stream | Cabin Creek | 52N | 04E | 22 | | |
| 138 | Cabin Creek | Shoshone Creek | 52N | 04E | 23 | | |
| 139 | South Fork Cabin Creek | Cabin Creek | 52N | 04E | 23 | | |
| 140 | Unnamed Stream | South Fork Cabin Creek | 52N | 04E | 23 | | |
| 141 | South Fork Cabin Creek | Cabin Creek | 52N | 04E | 26 | | |
| 142 | Cabin Creek | Shoshone Creek | 52N | 04E | 27 | | |
| 143 | Chute Creek | Shoshone Creek | 52N | 04E | 27 | | |
| 144 | Unnamed Stream | Cabin Creek | 52N | 04E | 27 | | |
| 145 | Unnamed Stream | Chute Creek | 52N | 04E | 27 | | |
| 146 | Cabin Creek | Shoshone Creek | 52N | 04E | 28 | NENE | |
| 147 | Unnamed Stream | Rampike Creek | 52N | 04E | 28 | NENW | |
| 148 | Cabin Creek | Shoshone Creek | 52N | 04E | 28 | NESE | |
| 149 | Unnamed Stream | Rampike Creek | 52N | 04E | 28 | NWNE | |
| 150 | Cabin Creek | Shoshone Creek | 52N | 04E | 28 | NWSE | |
| 151 | Cabin Creek | Shoshone Creek | 52N | 04E | 28 | SENE | |
| 152 | Unnamed Stream | Rampike Creek | 52N | 04E | 28 | SENW | |
| 153 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 29 | | |
| 154 | Unnamed Stream | Shoshone Creek | 52N | 04E | 29 | | |
| 155 | Unnamed Stream | Shoshone Creek | 52N | 04E | 30 | | |
| 156 | Unnamed Stream | Shoshone Creek | 52N | 04E | 30 | | |
| 157 | Unnamed Stream | Shoshone Creek | 52N | 04E | 30 | | |
| 158 | Pine Flat Creek | Shoshone Creek | 52N | 04E | 31 | | |
| 159 | Unnamed Stream | Pine Flat Creek | 52N | 04E | 31 | | |
| 160 | Unnamed Stream | Shoshone Creek | 52N | 04E | 31 | | |
| 161 | Pine Flat Creek | Shoshone Creek | 52N | 04E | 32 | | |
| 162 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 32 | | |
| 163 | Unnamed Stream | Pine Flat Creek | 52N | 04E | 32 | | |
| 164 | Unnamed Stream | Shoshone Creek | 52N | 04E | 32 | | |
| 165 | Chute Creek | Shoshone Creek | 52N | 04E | 33 | NESE | |
| 166 | Pine Flat Creek | Shoshone Creek | 52N | 04E | 33 | NWNW | |
| 167 | Rampike Creek | Shoshone Creek | 52N | 04E | 33 | NWNW | |
| 168 | Shoshone Creek | North Fork Coeur d'Alene River | 52N | 04E | 33 | NWNW | |
| 169 | Chute Creek | Shoshone Creek | 52N | 04E | 33 | NWSE | |
| 170 | Unnamed Stream | Shoshone Creek | 52N | 04E | 33 | NWSW | |
| 171 | Pipe Creek | Shoshone Creek | 52N | 04E | 33 | SESE | |
| 172 | Pipe Creek | Shoshone Creek | 52N | 04E | 34 | NENE | |
| 173 | Chute Creek | Shoshone Creek | 52N | 04E | 34 | NENW | |
| 174 | Unnamed Stream | Chute Creek | 52N | 04E | 34 | NENW | |
| 175 | Pipe Creek | Shoshone Creek | 52N | 04E | 34 | NESW | |
| 176 | Chute Creek | Shoshone Creek | 52N | 04E | 34 | NWNE | |
| 177 | Chute Creek | Shoshone Creek | 52N | 04E | 34 | NWNW | |
| 178 | Unnamed Stream | Chute Creek | 52N | 04E | 34 | NWNW | |
| 179 | Pipe Creek | Shoshone Creek | 52N | 04E | 34 | SENE | |
| 180 | Pipe Creek | Shoshone Creek | 52N | 04E | 34 | SWNE | |
| 181 | Chute Creek | Shoshone Creek | 52N | 04E | 34 | SWNW | |
| 182 | Shoshone Creek | North Fork Coeur d'Alene River | 53N | 03E | 25 | | |
| 183 | Hemlock Creek | Shoshone Creek | 53N | 03E | 35 | | |
| 184 | Unnamed Stream | Hemlock Creek | 53N | 03E | 35 | | |
| 185 | Unnamed Stream | Hemlock Creek | 53N | 03E | 35 | | |
| 186 | Unnamed Stream | Hemlock Creek | 53N | 03E | 35 | | |
| 187 | Shoshone Creek | North Fork Coeur d'Alene River | 53N | 03E | 36 | | |
| 188 | Unnamed Stream | Hemlock Creek | 53N | 03E | 36 | | |
| 189 | Unnamed Stream | Shoshone Creek | 53N | 03E | 36 | | |
| 190 | Unnamed Stream | Shoshone Creek | 53N | 03E | 36 | | |
| 191 | Unnamed Stream | Shoshone Creek | 53N | 03E | 36 | | |
| 192 | Unnamed Stream | Shoshone Creek | 53N | 03E | 36 | | |
| 193 | Shoshone Creek | North Fork Coeur d'Alene River | 53N | 04E | 19 | | |
| 194 | Unnamed Stream | Shoshone Creek | 53N | 04E | 29 | | |
| 195 | Unnamed Stream | Shoshone Creek | 53N | 04E | 29 | | |
| 196 | Shoshone Creek | North Fork Coeur d'Alene River | 53N | 04E | 30 | | |
| 197 | Unnamed Stream | Shoshone Creek | 53N | 04E | 30 | | |
| 198 | Unnamed Stream | Shoshone Creek | 53N | 04E | 30 | | |
| 199 | Shoshone Creek | North Fork Coeur d'Alene River | 53N | 04E | 31 | | |

Attachment 1

| | A | B | C | D | E | F | G |
|-----|----------------|----------------|----------|-------|---------|----|------------------------|
| 1 | SOURCE NAME | TO TRIBUTARY | TOWNSHIP | RANGE | SECTION | QQ | SURVEY CODE AND NUMBER |
| 200 | Unnamed Stream | Shoshone Creek | 53N | 04E | 31 | | |
| 201 | Unnamed Stream | Shoshone Creek | 53N | 04E | 31 | | |
| 202 | Unnamed Stream | Shoshone Creek | 53N | 04E | 31 | | |
| 203 | Unnamed Stream | Shoshone Creek | 53N | 04E | 31 | | |
| 204 | Unnamed Stream | Shoshone Creek | 53N | 04E | 31 | | |
| 205 | Unnamed Stream | Shoshone Creek | 53N | 04E | 31 | | |
| 206 | Unnamed Stream | Shoshone Creek | 53N | 04E | 31 | | |
| 207 | Ulm Creek | Shoshone Creek | 53N | 04E | 32 | | |
| 208 | Unnamed Stream | Shoshone Creek | 53N | 04E | 32 | | |
| 209 | Unnamed Stream | Shoshone Creek | 53N | 04E | 32 | | |
| 210 | Unnamed Stream | Ulm Creek | 53N | 04E | 32 | | |
| 211 | Ulm Creek | Shoshone Creek | 53N | 04E | 33 | | |
| 212 | unnamed pond | Sink | 52N | 03E | 14 | | |
| 213 | unnamed pond | Sink | 52N | 03E | 36 | | |

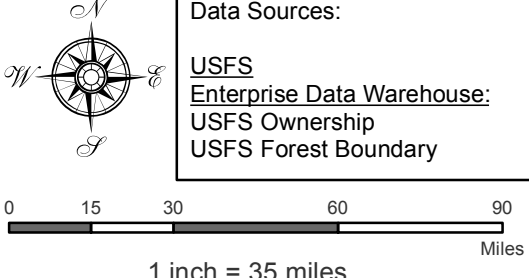
Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 94-09519A
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

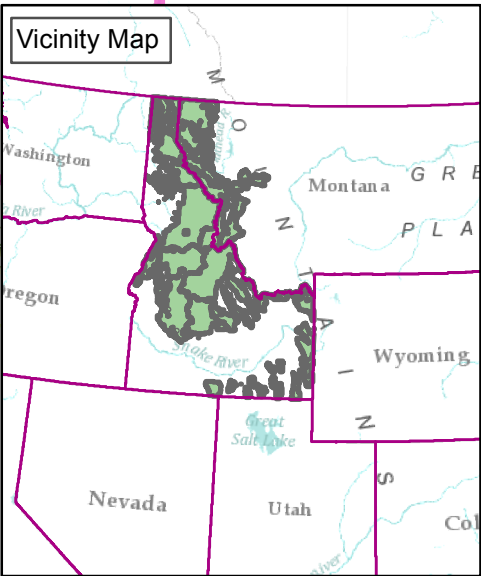
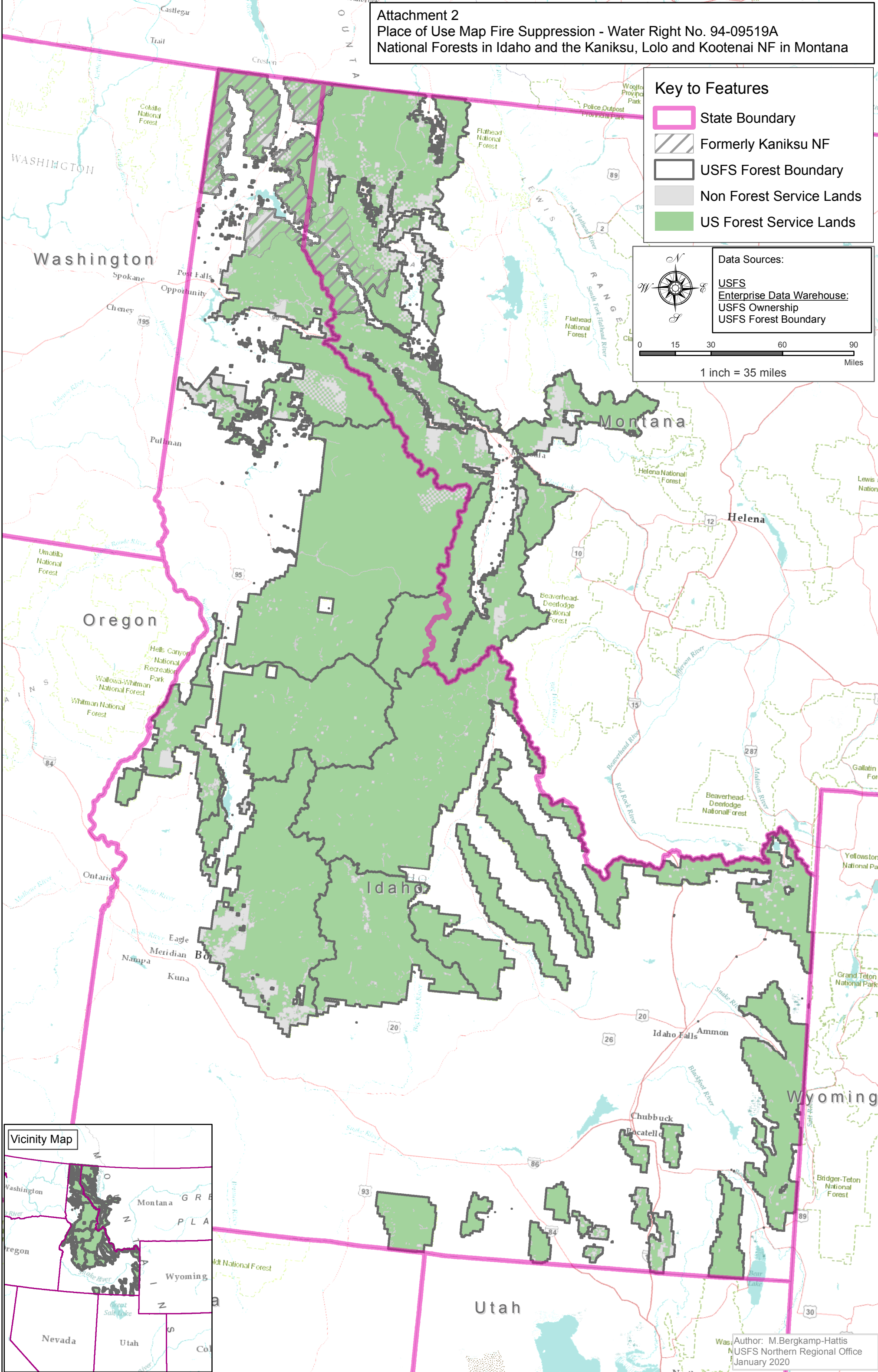
-  State Boundary
-  Formerly Kaniksu NF
-  USFS Forest Boundary
-  Non Forest Service Lands
-  US Forest Service Lands

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
 USFS Northern Regional Office
 January 2020