

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. 95-17398A

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 Fernan Lake subwatershed (HUC12 170103030405).

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	Unnamed Stream	Fernan Creek	50N	02W	6		
3	Unnamed Stream	Fernan Creek	50N	02W	6		
4	Unnamed Stream	Fernan Creek	50N	02W	7		
5	Unnamed Stream	Fernan Creek	50N	03W	2	NESW	
6	Unnamed Stream	Fernan Creek	50N	03W	2	NWSW	
7	Unnamed Stream	Fernan Creek	50N	03W	2	SENE	L 5
8	Unnamed Stream	Fernan Creek	50N	03W	2	SESE	L 7
9	Fernan Creek	Wolf Lodge Creek	50N	03W	2	SWNW	
10	Unnamed Stream	Fernan Creek	50N	03W	4	NENW	L 3
11	Unnamed Stream	Fernan Creek	50N	03W	4	SENE	
12	Unnamed Stream	Fernan Creek	50N	03W	4	SENE	
13	Unnamed Stream	Fernan Creek	50N	03W	4	SENE	
14	Unnamed Stream	Fernan Lake	50N	03W	14		
15	Fernan Creek	Wolf Lodge Creek	51N	02W	20		
16	Fernan Creek	Wolf Lodge Creek	51N	02W	21		
17	Unnamed Stream	Fernan Creek	51N	02W	21		
18	Unnamed Stream	Fernan Creek	51N	02W	28		
19	Unnamed Stream	Fernan Creek	51N	02W	28		
20	Fernan Creek	Wolf Lodge Creek	51N	02W	29		
21	Unnamed Stream	Fernan Creek	51N	02W	29		
22	Unnamed Stream	Fernan Creek	51N	02W	29		
23	Unnamed Stream	Fernan Creek	51N	02W	29		
24	Unnamed Stream	Fernan Creek	51N	02W	29		
25	Fernan Creek	Wolf Lodge Creek	51N	02W	30		
26	Unnamed Stream	Fernan Creek	51N	02W	31	SENE	L 2
27	Unnamed Stream	Fernan Creek	51N	02W	32		
28	Fernan Creek	Wolf Lodge Creek	51N	03W	25		
29	State Creek	Fernan Creek	51N	03W	25		
30	Unnamed Stream	State Creek	51N	03W	25		
31	Unnamed Stream	Fernan Creek	51N	03W	26		
32	Unnamed Stream	Fernan Creek	51N	03W	26		
33	Unnamed Stream	Fernan Creek	51N	03W	26		
34	Unnamed Stream	Fernan Creek	51N	03W	27		
35	Unnamed Stream	Fernan Creek	51N	03W	27		
36	Unnamed Stream	Fernan Creek	51N	03W	27		
37	Unnamed Stream	Fernan Creek	51N	03W	27		
38	Unnamed Stream	Fernan Creek	51N	03W	27		
39	Unnamed Stream	Fernan Creek	51N	03W	28		
40	Unnamed Stream	Unnamed Stream	51N	03W	32	NENE	
41	Unnamed Stream	Unnamed Stream	51N	03W	32	NWNE	
42	Unnamed Stream	Unnamed Stream	51N	03W	32	SWNE	
43	Unnamed Stream	Fernan Creek	51N	03W	33	SENE	
44	Unnamed Stream	Fernan Creek	51N	03W	34	NENE	
45	Unnamed Stream	Fernan Creek	51N	03W	34	NESW	
46	Unnamed Stream	Fernan Creek	51N	03W	34	NESW	
47	Unnamed Stream	Fernan Creek	51N	03W	34	NESW	
48	Unnamed Stream	Fernan Creek	51N	03W	34	NWNE	
49	Unnamed Stream	Fernan Creek	51N	03W	34	NWSW	
50	Unnamed Stream	Fernan Creek	51N	03W	34	SENE	
51	Unnamed Stream	Fernan Creek	51N	03W	34	SENW	
52	Unnamed Stream	Fernan Creek	51N	03W	34	SENW	
53	Unnamed Stream	Fernan Creek	51N	03W	34	SESW	

Attachment 1

	A	B	C	D	E	F	G
1	SOURCE NAME	TO TRIBUTARY	TOWNSHIP	RANGE	SECTION	QQ	SURVEY CODE AND NUMBER
54	Unnamed Stream	Fernan Creek	51N	03W	34	SESW	
55	Unnamed Stream	Fernan Creek	51N	03W	34	SESW	
56	Unnamed Stream	Fernan Creek	51N	03W	34	SWNW	
57	Unnamed Stream	Fernan Creek	51N	03W	34	SWSW	
58	Fernan Creek	Wolf Lodge Creek	51N	03W	35	NESE	
59	Unnamed Stream	Fernan Creek	51N	03W	35	NESW	
60	Unnamed Stream	Fernan Creek	51N	03W	35	NESW	
61	Unnamed Stream	Fernan Creek	51N	03W	35	NWNE	
62	Unnamed Stream	Fernan Creek	51N	03W	35	NWNE	
63	Unnamed Stream	Fernan Creek	51N	03W	35	NWSW	
64	Fernan Creek	Wolf Lodge Creek	51N	03W	35	SESE	
65	Unnamed Stream	Fernan Creek	51N	03W	35	SESW	
66	Unnamed Stream	Fernan Creek	51N	03W	35	SESW	
67	Fernan Creek	Wolf Lodge Creek	51N	03W	35	SWSE	
68	Unnamed Stream	Fernan Creek	51N	03W	35	SWSE	
69	Unnamed Stream	Fernan Creek	51N	03W	35	SWSW	
70	Unnamed Stream	Fernan Creek	51N	03W	35	SWSW	

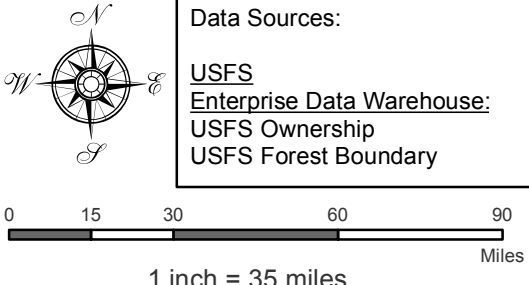
Attachment 2
 Place of Use Map Fire Suppression - Water Right No. 95-17398A
 National Forests in Idaho and the Kaniksu, Lolo and Kootenai NF in Montana

Key to Features

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

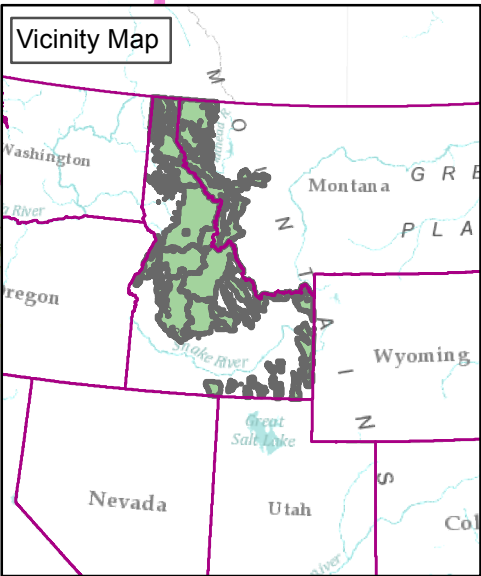
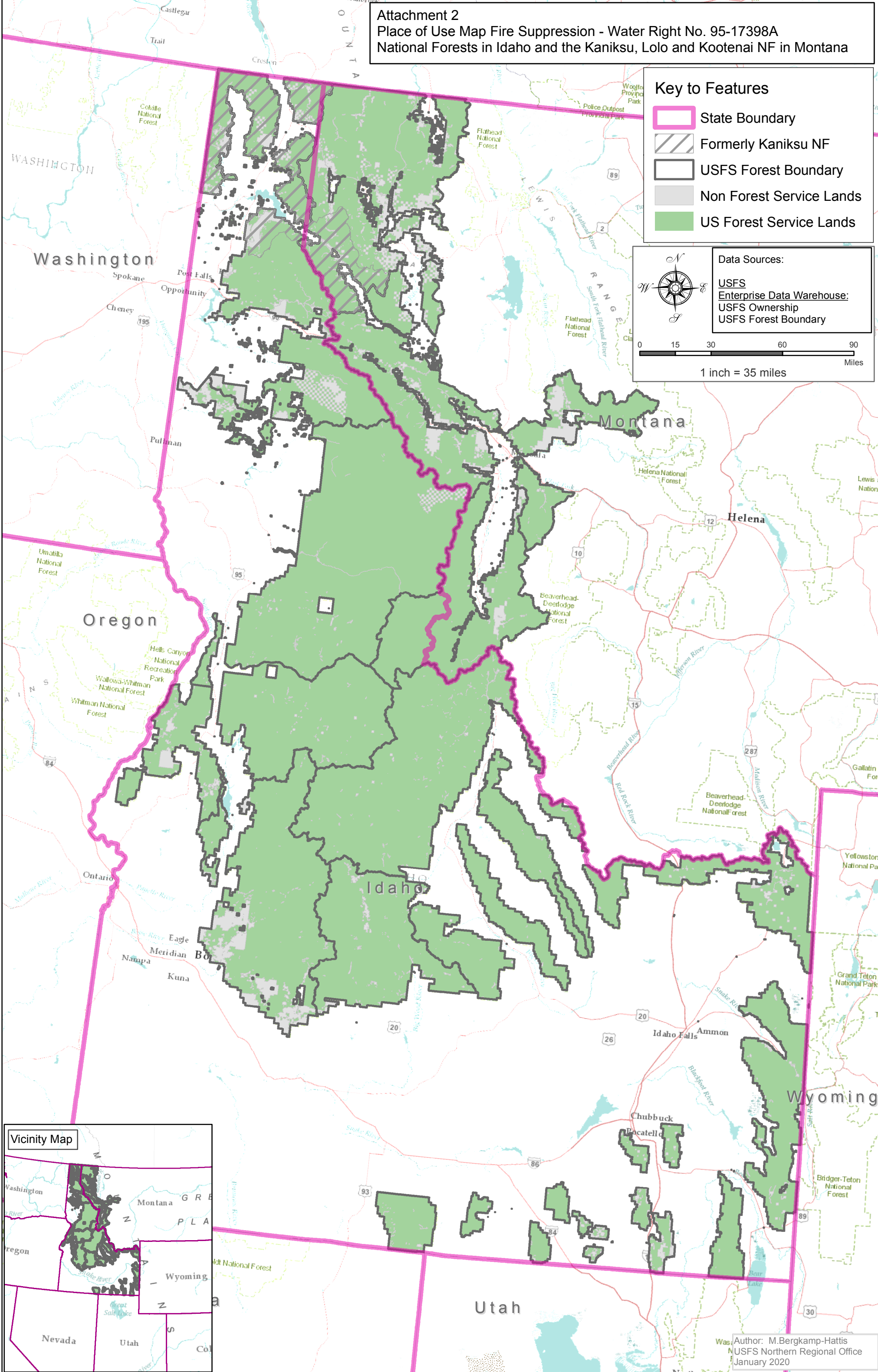
Data Sources:

- 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